LEGISLATIVE ASSEMBLY
OF ONTARIO

FIRST AND SECOND SESSIONS OF THE
TWENTY-SEVENTH PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSIONS

OCTOBER 29th and 30th, 1963

and

JANUARY 15th to MAY 8th, 1964

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INDEX

FIRST SESSION, TWENTY-SEVENTH PARLIAMENT

October 29th and 30th, 1963

PUBLIC BILL

SECOND SESSION, TWENTY-SEVENTH PARLIAMENT

January 15th to May 8th, 1964

PUBLIC BILLS

D—*Continued* Bill No.

E

F

G

H

I

J

K

L

M

N

O

O—*Continued* Bill No.

P

R

S

L Bill No.

M

N

O

P

R

S

T

W

Y

BILL 1

1st Session, 27th Legislature, Ontario
12 Elizabeth II, 1963

An Act to assist Municipalities to Finance Capital Works

Mr. Spooner

TORONTO
Printed and Published by Frank Fogg, Queen's Printer

Explanatory Note

This Act authorizes the Minister of Municipal Affairs, with the approval of the Lieutenant Governor in Council, to enter into an agreement with the Municipal Development and Loan Board established under the *Municipal Development and Loan Act* (Canada) to assist municipalities to finance capital works.

BILL 1 **1963**

An Act to assist Municipalities to Finance Capital Works

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Minister" means the Minister of Municipal Affairs;

(*b*) "Municipal Development and Loan Board" means the Municipal Development and Loan Board established under the *Municipal Development and Loan Act* (Canada);

(*c*) "municipality" means a metropolitan municipality, city, town, village, township, improvement district or county, or an elementary or secondary school board that has authority to raise money by the issue of debentures.

2. The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, enter into an agreement with the Municipal Development and Loan Board as contemplated in subsection 2 of section 7 of the *Municipal Development and Loan Act* (Canada). Agreement authorized

3.—(1) The Minister may exercise such powers and responsibilities as are necessary to carry out the terms of the agreement entered into under section 2, and, without limiting the generality of the foregoing, he may, on behalf of the Government of Ontario, Powers of Minister

(*a*) make all necessary arrangements for the borrowing of moneys from the Municipal Development and Loan Board, in amounts not exceeding in the aggregate the amount fixed by the *Municipal Development and Loan Act* (Canada), for the purpose of making loans to municipalities in accordance with the terms of the agreement;

(*b*) make loans to municipalities in respect of municipal projects in accordance with the terms of the agreement and take, hold, pledge or otherwise dispose of debentures, bonds or other securities given by municipalities in respect of such loans; and

(*c*) forgive the repayment of a portion of any loan made to a municipality to the same extent as repayment is forgiven to Ontario by the Municipal Development and Loan Board.

Municipal projects

(2) For the purposes of this Act and the *Municipal Development and Loan Act* (Canada), a municipal project includes a capital work of an elementary or secondary school board in respect of which the school board or a metropolitan municipality, city, town, village, township, improvement district or county has authority to raise money by the issue of debentures.

Borrowing powers R.S.O. 1960, c. 142

4.—(1) The Lieutenant Governor in Council may borrow or raise by way of loan in the manner provided by *The Financial Administration Act* such sums as he may deem requisite for the purposes of this Act and of the agreement entered into under section 2.

Idem

(2) Bonds, debentures or other securities to be issued by the Lieutenant Governor in Council may be issued and delivered from time to time by the Treasurer of Ontario to the Municipal Development and Loan Board in respect of or in payment for loans made to the Province by the Municipal Development and Loan Board pursuant to the agreement.

Moneys borrowed in addition to borrowing under other Acts

5. The moneys that may be borrowed or raised by way of loan and the bonds, debentures and other securities that may be issued by the Government of Ontario for the purposes mentioned in this Act are in addition to all sums of money that may be borrowed or raised by way of loan and all bonds, debentures and other securities that may be issued under any other Act.

Regulations

6. The Lieutenant Governor in Council may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Municipal Works Assistance Act, 1963.*

BILL 1

An Act to assist Municipalities to Finance Capital Works

1st Reading

2nd Reading

3rd Reading

MR. SPOONER

1963

BILL 1

1st Session, 27th Legislature, Ontario
12 Elizabeth II, 1963

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Mr. Spooner

TORONTO
Printed and Published by Frank Fogg, Queen's Printer

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Short title

8. This Act may be cited as *The Municipal Works Assistance Act, 1963.*

An Act to assist Municipalities to Finance Capital Works

1st Reading

October 30th, 1963

2nd Reading

October 30th, 1963

3rd Reading

October 30th, 1963

MR. SPOONER

1963

BILL 1

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend
The Conveyancing and Law of Property Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

Correction of typographical error.

BILL 1 **1964**

An Act to amend The Conveyancing and Law of Property Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 39 of *The Conveyancing and Law of Property Act* is amended by striking out "revisionary" in the second line and inserting in lieu thereof "reversionary", so that the section shall read as follows: R.S.O. 1960, c. 66, s. 39, amended

> 39. No purchase made in good faith and without fraud of any reversionary interest in property shall be opened or set aside on the ground of undervalue. Rule as to purchases of reversions

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1964.* Short title

BILL 1

An Act to amend The Conveyancing and Law of Property Act

1st Reading

January 15th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 1

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend
The Conveyancing and Law of Property Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

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3. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1964*. Short title

BILL 1

An Act to amend The Conveyancing and Law of Property Act

1st Reading

January 15th, 1964

2nd Reading

January 24th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 2

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend
The Ontario Human Rights Code, 1961-62

MR. DAVISON

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of the amendments is to prevent discrimination in employment because of age, except within the limits set out in the provision added by subsection 2 of section 1 of the Bill.

BILL 2 **1964**

An Act to amend The Ontario Human Rights Code, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Ontario Human Rights Code, 1961-62* is amended by inserting after "his" in the fifth line "age", so that the subsection shall read as follows: 1961-62, c. 93, s. 4, subs. 1, amended

(1) No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person with regard to employment or any term or condition of employment because of his age, race, creed, colour, nationality, ancestry or place of origin. Employers not to discriminate in employment practices

(2) The said section 4 is amended by adding thereto the following subsection: 1961-62, c. 93, s. 4, amended

(1*a*) Nothing in subsection 1 prevents an employer from refusing to employ or to continue to employ a person who is physically incapable of performing the work required or from retiring an employee under a *bona fide* retirement scheme or policy or from varying insurance or pension coverage according to an employee's age. Exceptions

(3) Subsection 2 of the said section 4 is amended by inserting after "of" in the third line "age", so that the subsection shall read as follows: 1961-62, c. 93, s. 4, subs. 2, amended

(2) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of age, race, creed, colour, nationality, ancestry or place of origin. Membership in trade union

1961-62, c. 93, s. 4, subs. 3, amended

(4) Subsection 3 of the said section 4 is amended by inserting after "the" in the fifth line "age" and by inserting after "concerning" in the eighth line "age", so that the subsection shall read as follows:

Employment applications and advertisements not to discriminate

(3) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to the age, race, creed, colour, nationality, ancestry or place of origin of any person or that requires an applicant to furnish any information concerning age, race, creed, colour, nationality, ancestry or place of origin.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1964.*

BILL 2

An Act to amend
The Ontario Human Rights Code, 1961-62

1st Reading

January 17th, 1964

2nd Reading

3rd Reading

MR. DAVISON

1964

BILL 3

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Industrial Safety Act, 1964

MR. ROWNTREE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

The Bill replaces *The Factory, Shop and Office Building Act* the predecessor of which was first enacted in 1884. The last thorough revision was done in 1932.

The general purpose of this revision is to bring the Act into line with present-day conditions.

The changes include the following:

1. The detailed safety and welfare requirements are dealt with by regulation.

2. The minimum age for working in a factory is increased from 14 to 15 years.

3. Self-employed persons and the Crown are subject to the same duties as other employers.

4. Public laundries and laundries for hospitals and other public buildings and institutions are made subject to the Act, and any other premises designated by the Minister.

5. The Act does not apply to mining, logging or farming operations.

6. The duties and powers of inspectors are modernized for the more efficient administration and enforcement of the Act, and a right of appeal to the chief inspector from an inspector's decision is provided.

7. The provisions for the enforcement of the Act and the regulations are strengthened and clarified, and the maximum penalty is increased to $1,000.

BILL 3 **1964**

The Industrial Safety Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "child" means a person under the age of fifteen years;

(*b*) "Crown" includes a board, commission or agency of the Crown and The Hydro-Electric Power Commission of Ontario;

(*c*) "employer" means a person who in his own behalf, or as the manager, superintendent or agent, has charge of an industrial establishment, and includes the Crown and a person who is self-employed, and, in the case of an office building, includes the superintendent, manager or caretaker thereof, and, for the purposes of Part II, means a person who in his trade or business gives homework to one or more homeworkers, and includes a homeworker who gives homework to one or more other homeworkers;

(*d*) "engineer of the Department" means a professional engineer, as defined in *The Professional Engineers Act*, appointed to enforce this Act; R.S.O. 1960, c. 309

(*e*) "factory" means a premises or place other than a premises or place where homework is done,

(i) where any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,

(ii) where any form of thermal, hydraulic, electrical, aero-dynamic, kinetic, chemical, nuclear, solar or other form of energy is used to

work any machinery or device, or where any form of such energy is modified in any manner in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, or

(iii) wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof, or the altering, demolishing, repairing, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing, and includes a plant used for the maintenance of aircraft, locomotives or vehicles used for transport purposes,

and any other building, premises, shop, workshop, structure, room or place, designated by the Minister as a factory under section 3;

(*f*) "homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof by a person for wages in premises occupied primarily as living accommodation, and "homeworker" has a corresponding meaning;

(*g*) "industrial establishment" means a factory, shop, office or office building;

(*h*) "inspector" means an inspector appointed for the purposes of this Act, and includes the chief inspector;

(*i*) "Minister" means the Minister of Labour;

(*j*) "office" includes a building or that part of a building occupied and under the control of a separate employer and used for office purposes, and any other building or part thereof designated by the Minister as an office under section 3;

(*k*) "office building" means a building used or occupied for office purposes and not as a shop or factory, and includes a part of a building when so used or occupied,

and any other building or part thereof designated by the Minister as an office building under section 3;

(*l*) "owner" means the person for the time being entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent or otherwise to receive the rents and profits of any premises used as an industrial establishment so far as such rents and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon, and includes the Crown;

(*m*) "parent" means a parent or the guardian of a child, or the person having the legal custody of, control over or direct benefit from the wages of a child;

(*n*) "regulations" means the regulations made under this Act;

(*o*) "safety" means freedom from injury to the body or freedom from damage to health;

(*p*) "shop" means a building or a part of a building, booth, stall or place where goods are handled or exposed or offered for sale, or any building or part of a building, booth, stall or place where services are offered for sale or where goods are manufactured and that is not a factory or a premises or place where homework is done to which this Act applies, and includes a restaurant, bowling alley, pool room and billiard parlour and any other building, booth, stall or place designated by the Minister as a shop under section 3;

(*q*) "wages" means wages within the meaning of *The Wages Act*. R.S.O. 1960, c. 130, s. 1, *amended*. R.S.O. 1960, c. 421

PART I

INDUSTRIAL ESTABLISHMENTS

Crown and municipalities deemed owners

2. The Crown, or a municipality as defined in *The Department of Municipal Affairs Act*, using and occupying an office building shall be deemed to be the owner thereof for the purposes of this Act. R.S.O. 1960, c. 130, s. 3, *amended*. R.S.O. 1960, c. 98

Designation of factories, shops, offices or office buildings

3. The Minister may designate any premises, building, shop, workshop, structure, room or place or any class thereof as a factory, shop, office or office building to which this Act applies. *New*.

Places deemed factories

4. Every place,

(*a*) where a laundry is operated in conjunction with,

R.S.O. 1960, cc. 322, 236, 359, 307, 315

(i) a public hospital under *The Public Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, a sanatorium established under *The Sanatoria for Consumptives Act*, a sanitarium licensed under *The Private Sanitaria Act* or a psychiatric hospital established under *The Psychiatric Hospitals Act*,

R.S.O. 1960, c. 305

(ii) a private hospital licensed under *The Private Hospitals Act*,

R.S.O. 1960, c. 180

(iii) an hotel within the meaning of *The Hotel Registration of Guests Act* or a motel, or

(iv) an institution for religious, charitable or educational purposes;

(*b*) where the general public is invited on a self-service basis to use machinery for laundering, drying or dry cleaning installed therein; or

(*c*) where any person is employed in public laundry work except custom laundry done for a regular family trade by a person in her dwelling,

shall, except for the purposes of section 16, be deemed to be a factory to which this Act applies. *New.*

When Act does not apply

5. This Act does not apply to,

1960-61, c. 11

(*a*) a construction hoist within the meaning of *The Construction Hoists Act, 1960-61*;

R.S.O. 1960, c. 241

(*b*) a mine and machinery within the meaning of *The Mining Act* and including office and service buildings located at a mine;

1962-63, c. 76

(*c*) loggers within the meaning of *The Loggers' Safety Act, 1962-63*;

R.S.O. 1960, c. 122

(*d*) a well or work within the meaning of *The Energy Act*; and

(*e*) the raising and care of fowl or live stock, the cultivation of plants, trees, flowers, fruits and vegetables, and farming operations. *New.*

6. Such part of an industrial establishment as the chief inspector approves in writing shall be deemed to be a separate industrial establishment for the purposes of this Act. R.S.O. 1960, c. 130, s. 5 (1), *revised*. Separate industrial establishments

7.—(1) For the purpose of carrying out this Act, such inspectors as are deemed necessary to enforce this Act may be appointed, and one of them may be designated as the chief inspector who shall have the general supervision and direction of the other inspectors for the purpose of enforcing this Act. R.S.O. 1960, c. 130, s. 17, *revised*. Appointment of inspectors

(2) Every inspector shall be furnished with a certificate of his appointment under the hand and seal of the Minister, and, on applying for admission to any premises, shall, upon demand, produce his certificate. R.S.O. 1960, c. 130, s. 20. Certificate of appointment

8.—(1) An inspector may, for the purposes of this Act, Powers of inspector

(*a*) subject to subsection 3, enter in or upon, take up or use any property, real or personal, at any time without warrant;

(*b*) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and examine and copy the same;

(*c*) alone or in conjunction with such other person or persons possessing special or expert technical knowledge or skill as the Minister designates, make such examinations, tests, inquiries or, subject to subsection 2, take such samples as are necessary to ascertain whether this Act and the regulations are being complied with;

(*d*) take with him a constable into an industrial establishment in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty, and, whenever the inspector requires a constable authorized to act in the locality to accompany him, it is the duty of the chief constable and every member of the police force in the locality to render him such assistance in carrying out his duties under this Act as he requires, and to put down by force if necessary any resistance, obstruction or hindrance;

(*e*) examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, any person whom he finds in an industrial establishment or whom he has reasonable

cause to believe to be or to have been within the two preceding months employed in an industrial establishment, and require such person to be so examined and to sign a statutory declaration of the truth of the matters respecting which he is so examined; R.S.O. 1960, c. 130, s. 19 (1), cls. (*a-e*), *amended*.

(*f*) take with him into any premises a duly qualified medical practitioner, medical officer of health, sanitary inspector or any officer of the Department of Health; R.S.O. 1960, c. 130, s. 21.

(*g*) exercise such other powers and do such other things as are necessary for the carrying out of this Act and the regulations. R.S.O. 1960, c. 130, s. 19 (1), cl. (*f*).

Samples

(2) Where an inspector takes a sample under clause *c* of subsection 1, the owner, employer or person in charge of the place from which the sample is taken may, at the time the sample is taken and upon providing the necessary facilities, require the inspector to divide the sample into two parts and to deliver one part to such owner, employer or person. *New*.

Entry to dwellings

R.S.O. 1960, c. 387

(3) An inspector shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 14 of *The Summary Convictions Act*. R.S.O. 1960, c. 130, s. 22, *amended*.

Powers on investigation

R.S.O. 1960, c. 323

(4) For the purpose of an investigation, inquiry or examination made by him under this Act, the chief inspector has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1960, c. 130, s. 19 (1), cl. (*f*), *amended*.

Obstruction of inspector

9.—(1) No person shall obstruct or attempt to obstruct an inspector in the exercise of a power or the performance of a duty under this Act. *New*.

Co-operation by owner and employer

(2) The owner and employer and their agents and servants shall furnish all means in their power required by an inspector for entry, inspection, examination, testing and inquiry in the exercise of his powers and duties. R.S.O. 1960, c. 130, s. 19 (2), *amended*.

Directions by inspector where non-compliance with Act or regulations

10.—(1) An inspector may give directions orally or in writing to any person for the carrying out of any matter or thing regulated, controlled or required by this Act or the regulations and may require that his directions be carried out within such time as he specifies.

(2) If a person to whom an inspector gives oral directions under subsection 1 requests that the directions be put in writing, the inspector shall put the directions in writing. In writing

(3) Any owner or employer affected by a direction of an inspector under subsection 1 may appeal therefrom by forthwith giving notice to the chief inspector orally or in writing. Appeal from direction

(4) Oral notice of appeal may be given by telephone and shall be confirmed in writing. Oral notice of appeal

(5) The chief inspector shall vary, rescind or confirm the direction after giving the owner or employer an opportunity to be heard. *New.* Disposal of appeal

11.—(1) Where an inspector considers that any place, matter or thing, or any part or parts thereof, in an industrial establishment is a source of danger to the safety of persons employed therein or having access thereto, he, Directions by inspector where safety endangered

(*a*) shall give such directions in writing to the employer or owner as he considers necessary, directing him immediately or within such period of time as the inspector specifies,

(i) to take measures for guarding the source of danger, or

(ii) to protect the safety of any person against dangers therefrom; and

(*b*) may direct that any place, matter or thing shall not be used until his directions are complied with. R.S.O. 1960, c. 130, s. 53 (1), *revised.*

(2) Where an inspector gives a direction under clause *b* of subsection 1, he may affix to the place, matter or thing or any part thereof a notice in the prescribed form, and no person, except an inspector, shall remove the notice unless authorized by an inspector. R.S.O. 1960, c. 130, s. 53 (2). Affixing notice prohibiting use

12. Where this Act or the regulations require the approval of an inspector, the approval may be given upon such terms and conditions as the inspector deems necessary, and the approval may be withdrawn for a breach of any condition or upon a change in relevant circumstances. *New.* Power of inspector re approvals

Inspector's evidence in civil suit

13.—(1) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties under this Act except with the written permission of the Minister. R.S.O. 1960, c. 130, s. 23, *amended*.

Information confidential

(2) No person who is admitted into any industrial establishment in pursuance of the powers conferred by section 8 shall disclose to any person any information obtained by him therein with regard to any manufacturing process or trade secret except for the purposes of this Act or as required by law.

Information not to be published

(3) No person except for the purposes of this Act or for the purposes of a prosecution shall publish or disclose the results of any analysis, examination, testing, inquiry or sampling made or taken under this Act.

Information not to be disclosed

(4) No person to whom information is communicated in confidence under section 8,

(*a*) shall divulge the name of the informant to any person except for the purposes of this Act;

(*b*) is competent or compellable to divulge the name of the informant before any court or other tribunal.

Inspector not liable

(5) No inspector is personally liable for anything done by him under the authority of this Act or the regulations. *New*.

Posting of notices

14.—(1) An inspector shall post up in an industrial establishment, in such conspicuous positions as he determines,

(*a*) a notice of the name and address of the inspector; and

(*b*) such notices of the provisions of this Act and the regulations as the inspector deems necessary to enable the persons therein to become acquainted with their rights, liabilities and duties under this Act.

Removal of notices

(2) Every employer shall maintain in position and without change or defacement any notice or document posted under this Act or the regulations until otherwise directed by an inspector, and no person shall remove, change or deface any such notice or document. R.S.O. 1960, c. 130, s. 24 (1), *part*, *amended*.

15.—(1) The sending or service of any notice, order, direction, summons or document to or upon any person for the purposes of this Act or the regulations shall be made, Service

(*a*) by serving it personally on such person;

(*b*) by leaving it at the place of his last known or usual residence or, alternatively, in the case of an employer, by leaving it at the industrial establishment for which he is the employer; or

(*c*) by mailing it by prepaid first-class mail addressed to the person at his last known or usual residence, but, in the case of an employer, may be addressed to the industrial establishment for which he is the employer without naming him in the address,

and the leaving or mailing shall be deemed conclusively to be good and sufficient sending or service on the date of the leaving or mailing. R.S.O. 1960, c. 130, s. 25, *amended.*

(2) The service or sending of a notice, order, direction, summons or document under clause *c* of subsection 1 may be proved by affidavit of the person who mailed the notice, order, direction, summons or document, and the affidavit shall state, Proof of mailing

(*a*) the place and date of mailing;

(*b*) the name of the person and the address to which the notice, order, direction, summons or document was sent; and

(*c*) that to the best of the knowledge and belief of the deponent the address to which the notice, order, direction, summons or document was sent is the last known or usual address,

(i) of the person to whom it was sent, or

(ii) where the person to whom it was sent is an employer, of the industrial establishment for which he is the employer. *New.*

16.—(1) Subject to subsections 4 and 5, no person shall commence to construct or reconstruct a building or add to or alter an existing building, Approval of drawings and specifications

(*a*) that is to be or is used as a factory;

(*b*) that is to be or is used as a shop or office building and is to be or is more than two storeys in height; or

(*c*) that is to be or is used as a shop or office building and is to have or has more than 5,000 square feet of gross horizontal area in any storey enclosed within,

(i) exterior walls, or

(ii) any combination of exterior walls and interior fire-resistive walls without any opening to another building,

or install or alter in an industrial establishment any equipment, machinery or device designated by the regulations until the drawings and specifications thereof have been approved by an engineer of the Department. R.S.O. 1960, c. 130, s. 13 (1).

Application for approval

(2) An application for approval shall be in the form prescribed by the regulations, and shall,

(*a*) be accompanied by the drawings and specifications in duplicate of the proposed construction, reconstruction, addition, installation or alteration and the estimated cost thereof; and

(*b*) be supplemented by such additional information as the engineer of the Department requires. R.S.O. 1960, c. 130, s. 13 (2), *amended.*

Approval of specification

(3) Upon payment of the fee therefor, an engineer of the Department shall examine the drawings and specifications and, if they comply with this Act and the regulations, he shall certify his approval thereon and return one copy to the applicant, and the construction, reconstruction, addition, installation or alteration may be proceeded with only in accordance with the drawings and specifications as approved. R.S.O. 1960, c. 130, s. 13 (4), *amended.*

Preliminary approval

(4) An engineer of the Department may grant a preliminary approval of the drawings and specifications.

Idem

(5) Where the drawings and specifications of any building have received a preliminary approval under subsection 4 and construction of the building has commenced, but the approval under subsection 3 has not been certified thereon, no person shall occupy or use the building as a factory, shop, office or office building. *New.*

Notice of occupation of factory

17.—(1) Every employer, upon commencing to occupy a factory, shall send to the chief inspector forthwith a notice in writing of the name of the firm under which the business

of the factory is to be carried on, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work and the expected number of employees. R.S.O. 1960, c. 130, s. 15, *amended.*

Registration of employers

(2) Upon receipt of the notice in writing under subsection 1 and of a report by an inspector, the chief inspector shall register the employer in the name of the firm under which the business of the factory is to be carried on, and shall forthwith issue to the employer a certificate of registration of such factory.

Posting of certificate of registration

(3) Every employer who is issued a certificate of registration shall forthwith upon its receipt post it up in a conspicuous place in the factory and shall ensure that it is maintained in position without change or defacement. *New.*

Revocation of approvals, permits or registration

18. The Minister may suspend or revoke any approval, permit or registration granted under this Act. R.S.O. 1960, c. 130, s. 16, *amended.*

Safety

19.—(1) Every employer shall keep his industrial establishment so that the safety of persons in the establishment is not likely to be endangered. R.S.O. 1960, c. 130, s. 66, *amended.*

When safety deemed endangered

(2) Without restricting the generality of subsection 1, where, in an industrial establishment,

(*a*) the regulations made under *The Department of Labour Act* or under *The Power Commission Act* are contravened; R.S.O. 1960, cc. 97, 300

(*b*) a boiler or pressure vessel is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act* and the regulations thereunder; 1962-63, c. 8

(*c*) an elevator, dumb-waiter, escalator, manlift or incline lift is constructed, installed, maintained or operated in a manner contrary to *The Elevators and Lifts Act* and the regulations thereunder; R.S.O. 1960, c. 119

(*d*) *The Operating Engineers Act, 1964* and the regulations thereunder are contravened; or 1964, c. ...

(*e*) maintenance work for a building, structure or other object is being carried on by an employee who is working in a manner and under circumstances contrary to the provisions of the regulations made under *The Construction Safety Act, 1961-62,* 1961-62, c. 18

such industrial establishment shall be deemed to be kept so that the safety of persons therein is endangered. R.S.O. 1960, c. 130, ss. 57, 58.

Safety precautions

(3) Every employer shall take such precautions as are reasonable in the circumstances to ensure the safety of every person in the industrial establishment. *New.*

Duty of lessee

20. Every person in possession of an industrial establishment or part thereof other than the owner is jointly responsible with the owner for anything that the owner is required to do under this Act or the regulations if the thing is the obligation of the person in possession to do under the agreement for possession. *New.*

Persons deemed employees

21.—(1) A person who has charge and control of an industrial establishment shall be deemed to be the employer of every person,

(*a*) working therein, notwithstanding that the work is performed under a contract with another person; or

(*b*) found in a factory except at meal times or while the machinery of the factory is stopped or except when present for the purpose of bringing food to persons employed in the factory,

other than a person working in the industrial establishment or found in the factory while employed on a project as defined in *The Construction Safety Act, 1961-62.*

1961-62, c. 18

Person deemed employer

(2) Notwithstanding subsection 1, any person who under a contract with an employer of an industrial establishment supplies the employer with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied. *New.*

Exemption

(3) Playgrounds, recreation areas and public waiting rooms of a factory in which no machinery is used or manufacturing process carried on shall be deemed not to be part of the factory for the purposes of clause *b* of subsection 1. R.S.O. 1960, c. 130, s. 9 (2), *revised.*

Unsafe equipment

22.—(1) No person who has reasonable cause to believe that any machine, device or thing in or about an industrial establishment is unsafe or in contravention of this Act or the regulations shall use or operate or cause or permit it to be used or operated.

(2) No person shall use or operate any machine, device or thing in or about an industrial establishment in an unsafe manner or in a manner that does not comply with the regulations. *New.* Unsafe operation

23. No person on his own behalf or for any other person shall make any agreement for sale or sell, lease or transfer possession of any machine, device or thing for use in or about an industrial establishment where the machine, device or thing is unsafe or does not comply with the regulations. *New.* Sale of unsafe equipment

24.—(1) Subject to subsection 2, no person shall employ a child in an industrial establishment. R.S.O. 1960, c. 130, s. 26, *amended.* Employment of children

(2) A child who is fourteen years of age may be employed in a shop, office or office building under such conditions as are prescribed by the regulations. *New.* Employment of children 14 years of age

(3) Where a parent consents to the employment of his child in an industrial establishment contrary to subsection 1 or 2, the parent shall be deemed to have contravened this Act. R.S.O. 1960, c. 130, s. 68, *amended.* Parental consent

(4) The employment of a child in an industrial establishment contrary to subsection 1 or 2 is *prima facie* proof of the consent of his parent thereto. *New.* Proof

25. No employer shall employ a person who is not a child but is under the age of sixteen years in an industrial establishment during school hours unless such person has furnished to the employer a certificate issued in accordance with *The Schools Administration Act* permitting the absence of such person from school, and the certificate shall be kept on file by the employer and produced upon demand of an inspector. R.S.O. 1960, c. 130, s. 28. Employment of adolescents R.S.O. 1960, c. 361

26.—(1) The Lieutenant Governor in Council may make such regulations as in his opinion are advisable to ensure the safety and welfare of persons in or about industrial establishments. Regulations

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations, Idem

1. prescribing forms and providing for their use;

2. providing for and prescribing fees;

3. defining any expression used in this Part for the purposes of this Part;

4. requiring and prescribing the notices in one or more languages that shall be posted by employers;

5. prescribing the records that shall be kept by owners and employers;

6. respecting the duties and powers of an inspector or engineer of the Department;

7. designating equipment, machinery and devices for the purposes of section 16 and prescribing the nature of the drawings and specifications to be submitted under this Part and by whom such drawings and specifications shall be prepared or certified;

8. prohibiting employment or modifying or limiting the hours of employment of any person or class of persons in connection with any industrial establishment;

9. respecting the use of any material or process;

10. regulating or prohibiting the sale, installation or use of any machine, device or thing;

11. exempting any person or any class of persons from the application of or compliance with this Part or the regulations or of any of the provisions thereof;

12. exempting any manufacture, machinery, machine, process or thing or any class of them or any description of manual labour from the application of this Part or the regulations or of any of the provisions thereof;

13. requiring and regulating protective clothing and safety devices for persons employed or working in any manufacturing or industrial undertaking or process or who are exposed to any hazards;

14. respecting any poisonous, dangerous or harmful material, substance or thing;

15. prescribing the conditions under which the safety of persons is deemed to be endangered for the purpose of section 19;

16. prescribing the conditions under which a child who is fourteen years of age may be employed in a shop, office or office building;

17. respecting the weight that may be lifted, carried or moved by any person or class of persons employed in an industrial establishment or any class thereof;

18. respecting protection from fire in an industrial establishment;

19. respecting the provision and maintenance of any sanitary convenience or welfare provision in an industrial establishment;

20. respecting the employment of pregnant females in any factory or shop;

21. respecting safe atmospheric conditions to which any person or class of persons in an industrial establishment may be exposed in the course of any employment;

22. respecting medical examinations of person employed in an industrial establishment and the reports to be made of such examinations;

23. respecting the reporting by physicians and others of cases of affection from dangerous or harmful substances or industrial poisoning;

24. requiring owners and employers to transmit to the chief inspector such returns and reports as are prescribed;

25. respecting the provision of suitable facilities for medical treatment in cases of accident and sickness and for the supervision of the general health of employees during working hours;

26. requiring that any machine, device or thing used in an industrial establishment bears the seal of approval of an organization designated to test and approve the machine, device or thing;

27. requiring the approval of an inspector in respect of any method, matter or thing;

28. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

(3) Any regulation may be general or particular in its application. *New.* Application of regulation

PART II

HOMEWORKERS

27.—(1) No person shall employ a homeworker or do homework without a permit therefor issued by the chief inspector. Permits

Application for permit

(2) An application for a permit shall be made to the chief inspector in the prescribed form.

Issuance of permit

(3) The chief inspector may issue a permit where he is satisfied that the homework can be done lawfully.

Terms and conditions

(4) The chief inspector may issue a permit on such terms and conditions as he considers advisable.

Revocation and suspension

R.S.O. 1960, c. 321

(5) The chief inspector may revoke or suspend a permit for a breach of a term or condition thereof, or where the holder is responsible for a nuisance within the meaning of *The Public Health Act*, or a breach of any Act. *New.*

Powers of inspector

28. An inspector has the same powers and duties with respect to premises where homework is carried on and with respect to the articles and things therein as a medical officer of health under sections 82 to 93 of *The Public Health Act. New.*

Register of homeworkers

29.—(1) Every employer shall keep a register and enter therein the name, address and permit number of every homeworker to whom he gives homework, and the days and hours thereof and the wages paid therefor.

Inspection of register

(2) An inspector may enter the premises of an employer at any time and inspect the register required by subsection 1, and any article or thing to be delivered to or that has been received from a homeworker. *New.*

Regulations

30. The Lieutenant Governor in Council may make regulations for the purposes of this Part,

(*a*) requiring the payment of fees and prescribing the amounts thereof;

(*b*) prescribing forms and providing for their use;

(*c*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part. *New.*

PART III

ENFORCEMENT AND PENALTIES

Injunction proceedings

31.—(1) The chief inspector may by originating notice apply to a judge of the Supreme Court for an order enjoining any person from continuing any act or default for which such person was convicted of an offence against this Act or the regulations.

(2) The judge in his discretion may make such order, and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. *New.* Idem

32. No person shall wilfully make a false statement or entry in a register, notice, certificate, plan, specification, document or other information required by this Act or the regulations to be submitted, kept, served or sent, and no person shall wilfully make or sign a false declaration under this Act, or knowingly make use of any such false statement, entry or declaration. R.S.O. 1960, c. 130, s. 67, *amended.* False entries, etc.

33. Where in an information it is alleged that a person is a child or otherwise under a prescribed age, the onus is on the person charged to prove that such person is not a child or is otherwise over the age alleged. R.S.O. 1960, c. 130, s. 70, *amended.* Onus of proof as to age

34. Where there is an act or default that constitutes an offence by an employer under this Act or the regulations and the act or default has in fact been committed or made by a person other than the employer, the offence shall be deemed to have been also committed by such other person. *New.* Offence by persons other than employer

35. It is sufficient in an information for an offence against this Act or the regulations to name the employer by stating the ostensible employer or the firm name by which the employer is usually known. R.S.O. 1960, c. 130, s. 75 (2), *revised.* Name of employer

36. Where the circumstances constituting an offence against this Act continue from day to day and, Continuing offences

(*a*) an information has been laid in respect of the offence; or

(*b*) the offence is one of employing two or more children contrary to this Act,

the offence shall be deemed to have been repeated on each day the circumstances continue. R.S.O. 1960, c. 130, s. 74, *revised.*

37. Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, a direction of an inspector or a condition of an approval or permit is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1960, c. 130, s. 69, *amended.* General offence and penalty

Limitation on prosecution

38. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred. *New.*

PART IV

MISCELLANEOUS

R.S.O. 1960, c. 130; 1960-61, c. 27; 1961-62, c. 86, s. 57; 1962-63, c. 44, repealed

39. *The Factory, Shop and Office Building Act, The Factory, Shop and Office Building Amendment Act, 1960-61,* section 57 of *The Municipal Amendment Act, 1961-62* and *The Factory, Shop and Office Building Amendment Act, 1962-63* are repealed.

Commencement

40. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

41. This Act may be cited as *The Industrial Safety Act, 1964.*

The Industrial Safety Act, 1964

1st Reading

January 20th, 1964

2nd Reading

3rd Reading

MR. ROWNTREE

1964

BILL 3

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Industrial Safety Act, 1964

MR. ROWNTREE

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

TORONTO
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Explanatory Notes

The Bill replaces *The Factory, Shop and Office Building Act* the predecessor of which was first enacted in 1884. The last thorough revision was done in 1932.

The general purpose of this revision is to bring the Act into line with present-day conditions.

The changes include the following:

1. The detailed safety and welfare requirements are dealt with by regulation.

2. The minimum age for working in a factory is increased from 14 to 15 years.

3. Self-employed persons and the Crown are subject to the same duties as other employers.

4. Public laundries and laundries for hospitals and other public buildings and institutions are made subject to the Act, and any other premises designated by the Minister.

5. The Act does not apply to mining, logging or farming operations.

6. The duties and powers of inspectors are modernized for the more efficient administration and enforcement of the Act, and a right of appeal to the chief inspector from an inspector's decision is provided.

7. The provisions for the enforcement of the Act and the regulations are strengthened and clarified, and the maximum penalty is increased to $1,000.

BILL 3 **1964**

The Industrial Safety Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "child" means a person under the age of fifteen years;

(*b*) "Crown" includes a board, commission or agency of the Crown and The Hydro-Electric Power Commission of Ontario;

(*c*) "employer" means a person who in his own behalf, or as the manager, superintendent or agent, has charge of an industrial establishment, and includes the Crown and a person who is self-employed, and, in the case of an office building, includes the superintendent, manager or caretaker thereof, and, for the purposes of Part II, means a person who in his trade or business gives homework to one or more homeworkers, and includes a homeworker who gives homework to one or more other homeworkers;

(*d*) "engineer of the Department" means a professional engineer, as defined in *The Professional Engineers Act*, appointed to enforce this Act; R.S.O. 1960, c. 309

(*e*) "factory" means a premises or place other than a premises or place where homework is done,

(i) where any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,

(ii) where any form of thermal, hydraulic, electrical, aero-dynamic, kinetic, chemical, nuclear, solar or other form of energy is used to

work any machinery or device, or where any form of such energy is modified in any manner in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, or

(iii) wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof, or the altering, demolishing, repairing, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing, and includes a plant used for the maintenance of aircraft, locomotives or vehicles used for transport purposes,

and any other building, premises, shop, workshop, structure, room or place, designated by the Minister as a factory under section 3;

(*f*) "homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof by a person for wages in premises occupied primarily as living accommodation, and "homeworker" has a corresponding meaning;

(*g*) "industrial establishment" means a factory, shop, office or office building;

(*h*) "inspector" means an inspector appointed for the purposes of this Act, and includes the chief inspector;

(*i*) "Minister" means the Minister of Labour;

(*j*) "office" includes a building or that part of a building occupied and under the control of a separate employer and used for office purposes, and any other building or part thereof designated by the Minister as an office under section 3;

(*k*) "office building" means a building used or occupied for office purposes and not as a shop or factory, and includes a part of a building when so used or occupied,

and any other building or part thereof designated by the Minister as an office building under section 3;

(*l*) "owner" means the person for the time being entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent or otherwise to receive the rents and profits of any premises used as an industrial establishment so far as such rents and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon, and includes the Crown;

(*m*) "parent" means a parent or the guardian of a child, or the person having the legal custody of, control over or direct benefit from the wages of a child;

(*n*) "regulations" means the regulations made under this Act;

(*o*) "safety" means freedom from injury to the body or freedom from damage to health;

(*p*) "shop" means a building or a part of a building, booth, stall or place where goods are handled or exposed or offered for sale, or any building or part of a building, booth, stall or place where services are offered for sale or where goods are manufactured and that is not a factory or a premises or place where homework is done to which this Act applies, and includes a restaurant, bowling alley, pool room and billiard parlour and any other building, booth, stall or place designated by the Minister as a shop under section 3;

(*q*) "wages" means wages within the meaning of *The Wages Act*. R.S.O. 1960, c. 130, s. 1, *amended*. R.S.O. 1960, c. 421

PART I

INDUSTRIAL ESTABLISHMENTS

Crown and municipalities deemed owners R.S.O. 1960, c. 98

2. The Crown, or a municipality as defined in *The Department of Municipal Affairs Act*, using and occupying an office building shall be deemed to be the owner thereof for the purposes of this Act. R.S.O. 1960, c. 130, s. 3, *amended*.

Designation of factories, shops, offices or office buildings

3. The Lieutenant Governor in Council may designate any class of premises, buildings, shops, workshops, structures, rooms or places as factories, shops, offices or office buildings, as the case may be, to which this Act applies. *New*.

Places deemed factories

4. Every place,

(*a*) where a laundry is operated in conjunction with,

R.S.O. 1960, cc. 322, 236, 359, 307, 315

(i) a public hospital under *The Public Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, a sanatorium established under *The Sanatoria for Consumptives Act*, a sanitarium licensed under *The Private Sanitaria Act* or a psychiatric hospital established under *The Psychiatric Hospitals Act*,

R.S.O. 1960 c. 305

(ii) a private hospital licensed under *The Private Hospitals Act*,

R.S.O. 1960, c. 180

(iii) an hotel within the meaning of *The Hotel Registration of Guests Act* or a motel, or

(iv) an institution for religious, charitable or educational purposes;

(*b*) where the general public is invited on a self-service basis to use machinery for laundering, drying or dry cleaning installed therein; or

(*c*) where any person is employed in public laundry work except custom laundry done for a regular family trade by a person in her dwelling,

shall, except for the purposes of section 16, be deemed to be a factory to which this Act applies. *New.*

When Act does not apply

5. This Act does not apply to,

1960-61, c. 11

(*a*) a construction hoist within the meaning of *The Construction Hoists Act, 1960-61*;

R.S.O. 1960, c. 241

(*b*) a mine and machinery within the meaning of *The Mining Act* and including office and service buildings located at a mine;

1962-63, c. 76

(*c*) loggers within the meaning of *The Loggers' Safety Act, 1962-63*;

R.S.O. 1960, c. 122

(*d*) a well or work within the meaning of *The Energy Act*; and

(*e*) the raising and care of fowl or live stock, the cultivation of plants, trees, flowers, fruits and vegetables, and farming operations. *New.*

6. Such part of an industrial establishment as the chief inspector approves in writing shall be deemed to be a separate industrial establishment for the purposes of this Act. R.S.O. 1960, c. 130, s. 5 (1), *revised.* Separate industrial establishments

7.—(1) For the purpose of carrying out this Act, such inspectors as are deemed necessary to enforce this Act may be appointed, and one of them may be designated as the chief inspector who shall have the general supervision and direction of the other inspectors for the purpose of enforcing this Act. R.S.O. 1960, c. 130, s. 17, *revised.* Appointment of inspectors

(2) Every inspector shall be furnished with a certificate of his appointment under the hand and seal of the Minister, and, on applying for admission to any premises, shall, upon demand, produce his certificate. R.S.O. 1960, c. 130, s. 20. Certificate of appointment

8.—(1) An inspector may, for the purposes of this Act, Powers of inspector

(*a*) subject to subsection 3, enter in or upon, take up or use any property, real or personal, at any time without warrant;

(*b*) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and examine and copy the same;

(*c*) alone or in conjunction with such other person or persons possessing special or expert technical knowledge or skill as the Minister designates, make such examinations, tests, inquiries or, subject to subsection 2, take such samples as are necessary to ascertain whether this Act and the regulations are being complied with;

(*d*) take with him a constable into an industrial establishment in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty, and, whenever the inspector requires a constable authorized to act in the locality to accompany him, it is the duty of the chief constable and every member of the police force in the locality to render him such assistance in carrying out his duties under this Act as he requires, and to put down by force if necessary any resistance, obstruction or hindrance;

(*e*) examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, any person whom he finds in an industrial establishment or whom he has reasonable

cause to believe to be or to have been within the two preceding months employed in an industrial establishment, and require such person to be so examined and to sign a statutory declaration of the truth of the matters respecting which he is so examined; R.S.O. 1960, c. 130, s. 19 (1), cls. (*a-e*), *amended.*

(*f*) take with him into any premises a duly qualified medical practitioner, medical officer of health, sanitary inspector or any officer of the Department of Health; R.S.O. 1960, c. 130, s. 21.

(*g*) exercise such other powers and do such other things as are necessary for the carrying out of this Act and the regulations. R.S.O. 1960, c. 130, s. 19 (1), cl. (*f*).

Samples

(2) Where an inspector takes a sample under clause *c* of subsection 1, the owner, employer or person in charge of the place from which the sample is taken may, at the time the sample is taken and upon providing the necessary facilities, require the inspector to divide the sample into two parts and to deliver one part to such owner, employer or person. *New.*

Entry to dwellings

R.S.O. 1960 c. 387

(3) An inspector shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 14 of *The Summary Convictions Act.* R.S.O. 1960, c. 130, s. 22, *amended.*

Powers on investigation

R.S.O. 1960 c. 323

(4) For the purpose of an investigation, inquiry or examination made by him under this Act, the chief inspector has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act.* R.S.O. 1960, c. 130, s. 19 (1), cl. (*f*), *amended.*

Obstruction of inspector

9.—(1) No person shall obstruct or attempt to obstruct an inspector in the exercise of a power or the performance of a duty under this Act. *New.*

Co-operation by owner and employer

(2) The owner and employer and their agents and servants shall furnish all means in their power required by an inspector for entry, inspection, examination, testing and inquiry in the exercise of his powers and duties. R.S.O. 1960, c. 130, s. 19 (2), *amended.*

Directions by inspector where non-compliance with Act or regulations

10.—(1) An inspector may give directions orally or in writing to any person for the carrying out of any matter or thing regulated, controlled or required by this Act or the regulations and may require that his directions be carried out within such time as he specifies.

(2) If a person to whom an inspector gives oral directions under subsection 1 requests that the directions be put in writing, the inspector shall put the directions in writing. In writing

(3) Any owner or employer affected by a direction of an inspector under subsection 1 may appeal therefrom by forthwith giving notice to the chief inspector orally or in writing. Appeal from direction

(4) Oral notice of appeal may be given by telephone and shall be confirmed in writing. Oral notice of appeal

(5) The chief inspector shall vary, rescind or confirm the direction after giving the owner or employer an opportunity to be heard. *New.* Disposal of appeal

11.—(1) Where an inspector considers that any place, matter or thing, or any part or parts thereof, in an industrial establishment is a source of danger to the safety of persons employed therein or having access thereto, he, Directions by inspector where safety endangered

(*a*) shall give such directions in writing to the employer or owner as he considers necessary, directing him immediately or within such period of time as the inspector specifies,

(i) to take measures for guarding the source of danger, or

(ii) to protect the safety of any person against dangers therefrom; and

(*b*) may direct that any place, matter or thing shall not be used until his directions are complied with. R.S.O. 1960, c. 130, s. 53 (1), *revised.*

(2) Where an inspector gives a direction under clause *b* of subsection 1, he may affix to the place, matter or thing or any part thereof a notice in the prescribed form, and no person, except an inspector, shall remove the notice unless authorized by an inspector. R.S.O. 1960, c. 130, s. 53 (2). Affixing notice prohibiting use

12. Where this Act or the regulations require the approval of an inspector, the approval may be given upon such terms and conditions as the inspector deems necessary, and the approval may be withdrawn for a breach of any condition or upon a change in relevant circumstances. *New.* Power of inspector re approvals

Inspector's evidence in civil suit

13.—(1) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties under this Act except with the written permission of the Minister. R.S.O. 1960, c. 130, s. 23, *amended*.

Information confidential

(2) No person who is admitted into any industrial establishment in pursuance of the powers conferred by section 8 shall disclose to any person any information obtained by him therein with regard to any manufacturing process or trade secret except for the purposes of this Act or as required by law.

Information not to be published

(3) No person except for the purposes of this Act or for the purposes of a prosecution shall publish or disclose the results of any analysis, examination, testing, inquiry or sampling made or taken under this Act.

Information not to be disclosed

(4) No person to whom information is communicated in confidence under section 8,

(*a*) shall divulge the name of the informant to any person except for the purposes of this Act;

(*b*) is competent or compellable to divulge the name of the informant before any court or other tribunal.

Inspector not liable

(5) No inspector is personally liable for anything done by him under the authority of this Act or the regulations. *New*.

Posting of notices

14.—(1) An inspector shall post up in an industrial establishment, in such conspicuous positions as he determines,

(*a*) a notice of the name and address of the inspector; and

(*b*) such notices of the provisions of this Act and the regulations as the inspector deems necessary to enable the persons therein to become acquainted with their rights, liabilities and duties under this Act.

Removal of notices

(2) Every employer shall maintain in position and without change or defacement any notice or document posted under this Act or the regulations until otherwise directed by an inspector, and no person shall remove, change or deface any such notice or document. R.S.O. 1960, c. 130, s. 24 (1), *part, amended*.

15.—(1) The sending or service of any notice, order, direction, summons or document to or upon any person for the purposes of this Act or the regulations shall be made, Service

(*a*) by serving it personally on such person;

(*b*) by leaving it at the place of his last known or usual residence or, alternatively, in the case of an employer, by leaving it at the industrial establishment for which he is the employer; or

(*c*) by mailing it by prepaid first-class mail addressed to the person at his last known or usual residence or, alternatively, in the case of an employer, addressed to the industrial establishment for which he is the employer without naming him in the address,

and the leaving or mailing shall be deemed conclusively to be good and sufficient sending or service on the date of the leaving or mailing. R.S.O. 1960, c. 130, s. 25, *amended.*

(2) The service or sending of a notice, order, direction, summons or document under clause *c* of subsection 1 may be proved by affidavit of the person who mailed the notice, order, direction, summons or document, and the affidavit shall state, Proof of mailing

(*a*) the place and date of mailing;

(*b*) the name of the person and the address to which the notice, order, direction, summons or document was sent; and

(*c*) that to the best of the knowledge and belief of the deponent the address to which the notice, order, direction, summons or document was sent is the last known or usual address,

(i) of the person to whom it was sent, or

(ii) where the person to whom it was sent is an employer, of the industrial establishment for which he is the employer. *New.*

16.—(1) Subject to subsections 4 and 5, no person shall commence to construct or reconstruct a building or add to or alter an existing building, Approval of drawings and specifications

(*a*) that is to be or is used as a factory;

(*b*) that is to be or is used as a shop or office building and is to be or is more than two storeys in height; or

(*c*) that is to be or is used as a shop or office building and is to have or has more than 5,000 square feet of gross horizontal area in any storey enclosed within,

(i) exterior walls, or

(ii) any combination of exterior walls and interior fire-resistive walls without any opening to another building,

or install or alter in an industrial establishment any equipment, machinery or device designated by the regulations until the drawings and specifications thereof have been approved by an engineer of the Department. R.S.O. 1960, c. 130, s. 13 (1).

Application for approval

(2) An application for approval shall be in the form prescribed by the regulations, and shall,

(*a*) be accompanied by the drawings and specifications in duplicate of the proposed construction, reconstruction, addition, installation or alteration and the estimated cost thereof; and

(*b*) be supplemented by such additional information as the engineer of the Department requires. R.S.O. 1960, c. 130, s. 13 (2), *amended.*

Approval of specification

(3) Upon payment of the fee therefor, an engineer of the Department shall examine the drawings and specifications and, if they comply with this Act and the regulations, he shall certify his approval thereon and return one copy to the applicant, and the construction, reconstruction, addition, installation or alteration may be proceeded with only in accordance with the drawings and specifications as approved. R.S.O. 1960, c. 130, s. 13 (4), *amended.*

Preliminary approval

(4) An engineer of the Department may grant a preliminary approval of the drawings and specifications.

Idem

(5) Where the drawings and specifications of any building have received a preliminary approval under subsection 4 and construction of the building has commenced, but the approval under subsection 3 has not been certified thereon, no person shall occupy or use the building as a factory, shop, office or office building. *New.*

Notice of occupation of factory

17.—(1) Every employer, upon commencing to occupy a factory, shall send to the chief inspector forthwith a notice in writing of the name of the firm under which the business

of the factory is to be carried on, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work and the expected number of employees. R.S.O. 1960, c. 130, s. 15, *amended.*

(2) Upon receipt of the notice in writing under subsection 1 and of a report by an inspector, the chief inspector shall register the employer in the name of the firm under which the business of the factory is to be carried on, and shall forthwith issue to the employer a certificate of registration of such factory. Registration of employers

(3) Every employer who is issued a certificate of registration shall forthwith upon its receipt post it up in a conspicuous place in the factory and shall ensure that it is maintained in position without change or defacement. *New.* Posting of certificate of registration

18. The Minister may suspend or revoke any approval, permit or registration granted under this Act. R.S.O. 1960, c. 130, s. 16, *amended.* Revocation of approvals, permits or registration

19.—(1) Every employer shall keep his industrial establishment so that the safety of persons in the establishment is not likely to be endangered. R.S.O. 1960, c. 130, s. 66, *amended.* Safety

(2) Without restricting the generality of subsection 1, where, in an industrial establishment, When safety deemed endangered

(*a*) the regulations made under *The Department of Labour Act* or under *The Power Commission Act* are contravened; R.S.O. 1960 cc. 97, 300

(*b*) a boiler or pressure vessel is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act* and the regulations thereunder; 1962-63, c. 8

(*c*) an elevator, dumb-waiter, escalator, manlift or incline lift is constructed, installed, maintained or operated in a manner contrary to *The Elevators and Lifts Act* and the regulations thereunder; R.S.O. 1960, c. 119

(*d*) *The Operating Engineers Act, 1964* and the regulations thereunder are contravened; or 1964, c. . . .

(*e*) maintenance work for a building, structure or other object is being carried on by an employee who is working in a manner and under circumstances contrary to the provisions of the regulations made under *The Construction Safety Act, 1961-62,* 1961-62, c. 18

such industrial establishment shall be deemed to be kept so that the safety of persons therein is endangered. R.S.O. 1960, c. 130, ss. 57, 58.

Safety precautions

(3) Every employer shall take such precautions as are reasonable in the circumstances to ensure the safety of every person in the industrial establishment. *New.*

Duty of lessee

20. Every person in possession of an industrial establishment or part thereof other than the owner is jointly responsible with the owner for anything that the owner is required to do under this Act or the regulations if the thing is the obligation of the person in possession to do under the agreement for possession. *New.*

Persons deemed employees

21.—(1) A person who has charge and control of an industrial establishment shall be deemed to be the employer of every person,

(*a*) working therein, notwithstanding that the work is performed under a contract with another person; or

(*b*) found in a factory except at meal times or while the machinery of the factory is stopped or except when present for the purpose of bringing food to persons employed in the factory,

other than a person working in the industrial establishment or found in the factory while employed on a project as defined in *The Construction Safety Act, 1961-62.*

1961-62, c. 18

Person deemed employer

(2) Notwithstanding subsection 1, any person who under a contract with an employer of an industrial establishment supplies the employer with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied. *New.*

Exemption

(3) Playgrounds, recreation areas and public waiting rooms of a factory in which no machinery is used or manufacturing process carried on shall be deemed not to be part of the factory for the purposes of clause *b* of subsection 1. R.S.O. 1960, c. 130, s. 9 (2), *revised.*

Unsafe equipment

22.—(1) No person who has reasonable cause to believe that any machine, device or thing in or about an industrial establishment is unsafe or in contravention of this Act or the regulations shall use or operate or cause or permit it to be used or operated.

(2) No person shall use or operate any machine, device or thing in or about an industrial establishment in an unsafe manner or in a manner that does not comply with the regulations. *New.* Unsafe operation

23. No person on his own behalf or for any other person shall make any agreement for sale or sell, lease or transfer possession of any machine, device or thing for use in or about an industrial establishment where the machine, device or thing is unsafe or does not comply with the regulations. *New.* Sale of unsafe equipment

24.—(1) Subject to subsection 2, no person shall employ a child in an industrial establishment. R.S.O. 1960, c. 130, s. 26, *amended.* Employment of children

(2) A child who is fourteen years of age may be employed in a shop, office or office building under such conditions as are prescribed by the regulations. *New.* Employment of children 14 years of age

(3) Where a parent consents to the employment of his child in an industrial establishment contrary to subsection 1 or 2, the parent shall be deemed to have contravened this Act. R.S.O. 1960, c. 130, s. 68, *amended.* Parental consent

(4) The employment of a child in an industrial establishment contrary to subsection 1 or 2 is *prima facie* proof of the consent of his parent thereto. *New.* Proof

25. No employer shall employ a person who is not a child but is under the age of sixteen years in an industrial establishment during school hours unless such person has furnished to the employer a certificate issued in accordance with *The Schools Administration Act* permitting the absence of such person from school, and the certificate shall be kept on file by the employer and produced upon demand of an inspector. R.S.O. 1960, c. 130, s. 28. Employment of adolescents R.S.O. 1960, c. 361

26.—(1) The Lieutenant Governor in Council may make such regulations as in his opinion are advisable to ensure the safety and welfare of persons in or about industrial establishments. Regulations

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations, Idem

1. prescribing forms and providing for their use;

2. providing for and prescribing fees;

3. requiring and prescribing the notices in one or more languages that shall be posted by employers;

4. prescribing the records that shall be kept by owners and employers;

5. respecting the duties and powers of an inspector or engineer of the Department;

6. designating equipment, machinery and devices for the purposes of section 16 and prescribing the nature of the drawings and specifications to be submitted under this Part and by whom such drawings and specifications shall be prepared or certified;

7. prohibiting employment or modifying or limiting the hours of employment of any person or class of persons in connection with any industrial establishment;

8. respecting the use of any material or process;

9. regulating or prohibiting the sale, installation or use of any machine, device or thing;

10. exempting any person or any class of persons from the application of or compliance with this Part or the regulations or of any of the provisions thereof;

11. exempting any manufacture, machinery, machine, process or thing or any class of them or any description of manual labour from the application of this Part or the regulations or of any of the provisions thereof;

12. requiring and regulating protective clothing and safety devices for persons employed or working in any manufacturing or industrial undertaking or process or who are exposed to any hazards;

13. respecting any poisonous, dangerous or harmful material, substance or thing;

14. prescribing the conditions under which the safety of persons is deemed to be endangered for the purpose of section 19;

15. prescribing the conditions under which a child who is fourteen years of age may be employed in a shop, office or office building;

16. respecting the weight that may be lifted, carried or moved by any person or class of persons employed in an industrial establishment or any class thereof;

17. respecting protection from fire in an industrial establishment;

18. respecting the provision and maintenance of any sanitary convenience or welfare provision in an industrial establishment;

19. respecting the employment of pregnant females in any factory or shop;

20. respecting safe atmospheric conditions to which any person or class of persons in an industrial establishment may be exposed in the course of any employment;

21. respecting medical examinations of person employed in an industrial establishment and the reports to be made of such examinations;

22. respecting the reporting by physicians and others of cases of affection from dangerous or harmful substances or industrial poisoning;

23. requiring owners and employers to transmit to the chief inspector such returns and reports as are prescribed;

24. respecting the provision of suitable facilities for medical treatment in cases of accident and sickness and for the supervision of the general health of employees during working hours;

25. requiring that any machine, device or thing used in an industrial establishment bears the seal of approval of an organization designated to test and approve the machine, device or thing;

26. requiring the approval of an inspector in respect of any method, matter or thing;

27. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

Application of regulation

(3) Any regulation may be general or particular in its application. *New.*

PART II

HOMEWORKERS

Permits

27.—(1) No person shall employ a homeworker or do homework without a permit therefor issued by the chief inspector.

Application for permit

(2) An application for a permit shall be made to the chief inspector in the prescribed form.

Issuance of permit

(3) The chief inspector may issue a permit where he is satisfied that the homework can be done lawfully.

Terms and conditions

(4) The chief inspector may issue a permit on such terms and conditions as he considers advisable.

Revocation and suspension

R.S.O. 1960, c. 321

(5) The chief inspector may revoke or suspend a permit for a breach of a term or condition thereof, or where the holder is responsible for a nuisance within the meaning of *The Public Health Act*, or a breach of any Act. *New.*

Powers of inspector

28. An inspector has the same powers and duties with respect to premises where homework is carried on and with respect to the articles and things therein as a medical officer of health under sections 82 to 93 of *The Public Health Act*. *New.*

Register of homeworkers

29.—(1) Every employer shall keep a register and enter therein the name, address and permit number of every homeworker to whom he gives homework, and the days and hours thereof and the wages paid therefor.

Inspection of register

(2) An inspector may enter the premises of an employer at any time and inspect the register required by subsection 1, and any article or thing to be delivered to or that has been received from a homeworker. *New.*

Regulations

30. The Lieutenant Governor in Council may make regulations for the purposes of this Part,

(*a*) requiring the payment of fees and prescribing the amounts thereof;

(*b*) prescribing forms and providing for their use;

(*c*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part. *New.*

PART III

ENFORCEMENT AND PENALTIES

Injunction proceedings

31.—(1) The chief inspector may by originating notice apply to a judge of the Supreme Court for an order enjoining any person from continuing any act or default for which such person was convicted of an offence against this Act or the regulations.

(2) The judge in his discretion may make such order, and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. *New.* Idem

32. No person shall wilfully make a false statement or entry in a register, notice, certificate, plan, specification, document or other information required by this Act or the regulations to be submitted, kept, served or sent, and no person shall wilfully make or sign a false declaration under this Act, or knowingly make use of any such false statement, entry or declaration. R.S.O. 1960, c. 130, s. 67, *amended.* False entries, etc.

33. Where in an information it is alleged that a person is a child or otherwise under a prescribed age, the onus is on the person charged to prove that such person is not a child or is otherwise over the age alleged. R.S.O. 1960, c. 130, s. 70, *amended.* Onus of proof as to age

34. Where there is an act or default that constitutes an offence by an employer under this Act or the regulations and the act or default has in fact been committed or made by a person other than the employer, the offence shall be deemed to have been also committed by such other person. *New.* Offence by persons other than employer

35. It is sufficient in an information for an offence against this Act or the regulations to name the employer by stating the ostensible employer or the firm name by which the employer is usually known. R.S.O. 1960, c. 130, s. 75 (2), *revised.* Name of employer

36. Where the circumstances constituting an offence against this Act continue from day to day and, Continuing offences

(*a*) an information has been laid in respect of the offence; or

(*b*) the offence is one of employing two or more children contrary to this Act,

the offence shall be deemed to have been repeated on each day the circumstances continue. R.S.O. 1960, c. 130, s. 74, *revised.*

37. Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, a direction of an inspector or a condition of an approval or permit is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1960, c. 130, s. 69, *amended.* General offence and penalty

Limitation on prosecution

38. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred. *New.*

PART IV

MISCELLANEOUS

R.S.O. 1960, c. 130; 1960-61, c. 27; 1961-62, c. 86, s. 57; 1962-63, c. 44, repealed

39. *The Factory, Shop and Office Building Act, The Factory, Shop and Office Building Amendment Act, 1960-61,* section 57 of *The Municipal Amendment Act, 1961-62* and *The Factory, Shop and Office Building Amendment Act, 1962-63* are repealed.

Commencement

40. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

41. This Act may be cited as *The Industrial Safety Act, 1964.*

BILL 3

The Industrial Safety Act, 1964

1st Reading

January 20th, 1964

2nd Reading

January 24th, 1964

3rd Reading

MR. ROWNTREE

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

1964

BILL 3

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Industrial Safety Act, 1964

MR. ROWNTREE

TORONTO
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BILL 3 **1964**

The Industrial Safety Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "child" means a person under the age of fifteen years;

(*b*) "Crown" includes a board, commission or agency of the Crown and The Hydro-Electric Power Commission of Ontario;

(*c*) "employer" means a person who in his own behalf, or as the manager, superintendent or agent, has charge of an industrial establishment, and includes the Crown and a person who is self-employed, and, in the case of an office building, includes the superintendent, manager or caretaker thereof, and, for the purposes of Part II, means a person who in his trade or business gives homework to one or more homeworkers, and includes a homeworker who gives homework to one or more other homeworkers;

(*d*) "engineer of the Department" means a professional engineer, as defined in *The Professional Engineers Act*, appointed to enforce this Act; R.S.O. 1960, c. 309

(*e*) "factory" means a premises or place other than a premises or place where homework is done,

(i) where any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,

(ii) where any form of thermal, hydraulic, electrical, aero-dynamic, kinetic, chemical, nuclear, solar or other form of energy is used to

work any machinery or device, or where any form of such energy is modified in any manner in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, or

(iii) wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof, or the altering, demolishing, repairing, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing, and includes a plant used for the maintenance of aircraft, locomotives or vehicles used for transport purposes,

and any other building, premises, shop, workshop, structure, room or place, designated by the Minister as a factory under section 3;

(*f*) "homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof by a person for wages in premises occupied primarily as living accommodation, and "homeworker" has a corresponding meaning;

(*g*) "industrial establishment" means a factory, shop, office or office building;

(*h*) "inspector" means an inspector appointed for the purposes of this Act, and includes the chief inspector;

(*i*) "Minister" means the Minister of Labour;

(*j*) "office" includes a building or that part of a building occupied and under the control of a separate employer and used for office purposes, and any other building or part thereof designated by the Minister as an office under section 3;

(*k*) "office building" means a building used or occupied for office purposes and not as a shop or factory, and includes a part of a building when so used or occupied,

and any other building or part thereof designated by the Minister as an office building under section 3;

(*l*) "owner" means the person for the time being entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent or otherwise to receive the rents and profits of any premises used as an industrial establishment so far as such rents and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon, and includes the Crown;

(*m*) "parent" means a parent or the guardian of a child, or the person having the legal custody of, control over or direct benefit from the wages of a child;

(*n*) "regulations" means the regulations made under this Act;

(*o*) "safety" means freedom from injury to the body or freedom from damage to health;

(*p*) "shop" means a building or a part of a building, booth, stall or place where goods are handled or exposed or offered for sale, or any building or part of a building, booth, stall or place where services are offered for sale or where goods are manufactured and that is not a factory or a premises or place where homework is done to which this Act applies, and includes a restaurant, bowling alley, pool room and billiard parlour and any other building, booth, stall or place designated by the Minister as a shop under section 3;

(*q*) "wages" means wages within the meaning of *The Wages Act*. R.S.O. 1960, c. 130, s. 1, *amended*. R.S.O. 1960, c. 421

PART I

INDUSTRIAL ESTABLISHMENTS

Crown and municipalities deemed owners R.S.O. 1960, c. 98

2. The Crown, or a municipality as defined in *The Department of Municipal Affairs Act*, using and occupying an office building shall be deemed to be the owner thereof for the purposes of this Act. R.S.O. 1960, c. 130, s. 3, *amended*.

Designation of factories, shops, offices or office buildings

3. The Lieutenant Governor in Council may designate any class of premises, buildings, shops, workshops, structures, rooms or places as factories, shops, offices or office buildings, as the case may be, to which this Act applies. *New*.

Places deemed factories

4. Every place,

(*a*) where a laundry is operated in conjunction with,

R.S.O. 1960, cc. 322, 236, 359, 307, 315

(i) a public hospital under *The Public Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, a sanatorium established under *The Sanatoria for Consumptives Act*, a sanitarium licensed under *The Private Sanitaria Act* or a psychiatric hospital established under *The Psychiatric Hospitals Act*,

R.S.O. 1960, c. 305

(ii) a private hospital licensed under *The Private Hospitals Act*,

R.S.O. 1960, c. 180

(iii) an hotel within the meaning of *The Hotel Registration of Guests Act* or a motel, or

(iv) an institution for religious, charitable or educational purposes;

(*b*) where the general public is invited on a self-service basis to use machinery for laundering, drying or dry cleaning installed therein; or

(*c*) where any person is employed in public laundry work except custom laundry done for a regular family trade by a person in her dwelling,

shall, except for the purposes of section 16, be deemed to be a factory to which this Act applies. *New.*

When Act does not apply

5. This Act does not apply to,

1960-61, c. 11

(*a*) a construction hoist within the meaning of *The Construction Hoists Act, 1960-61*;

R.S.O. 1960, c. 241

(*b*) a mine and machinery within the meaning of *The Mining Act* and including office and service buildings located at a mine;

1962-63, c. 76

(*c*) loggers within the meaning of *The Loggers' Safety Act, 1962-63*;

R.S.O. 1960, c. 122

(*d*) a well or work within the meaning of *The Energy Act*; and

(*e*) the raising and care of fowl or live stock, the cultivation of plants, trees, flowers, fruits and vegetables, and farming operations. *New.*

6. Such part of an industrial establishment as the chief inspector approves in writing shall be deemed to be a separate industrial establishment for the purposes of this Act. R.S.O. 1960, c. 130, s. 5 (1), *revised.* Separate industrial establishments

7.—(1) For the purpose of carrying out this Act, such inspectors as are deemed necessary to enforce this Act may be appointed, and one of them may be designated as the chief inspector who shall have the general supervision and direction of the other inspectors for the purpose of enforcing this Act. R.S.O. 1960, c. 130, s. 17, *revised.* Appointment of inspectors

(2) Every inspector shall be furnished with a certificate of his appointment under the hand and seal of the Minister, and, on applying for admission to any premises, shall, upon demand, produce his certificate. R.S.O. 1960, c. 130, s. 20. Certificate of appointment

8.—(1) An inspector may, for the purposes of this Act, Powers of inspector

(*a*) subject to subsection 3, enter in or upon, take up or use any property, real or personal, at any time without warrant;

(*b*) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and examine and copy the same;

(*c*) alone or in conjunction with such other person or persons possessing special or expert technical knowledge or skill as the Minister designates, make such examinations, tests, inquiries or, subject to subsection 2, take such samples as are necessary to ascertain whether this Act and the regulations are being complied with;

(*d*) take with him a constable into an industrial establishment in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty, and, whenever the inspector requires a constable authorized to act in the locality to accompany him, it is the duty of the chief constable and every member of the police force in the locality to render him such assistance in carrying out his duties under this Act as he requires, and to put down by force if necessary any resistance, obstruction or hindrance;

(*e*) examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, any person whom he finds in an industrial establishment or whom he has reasonable

cause to believe to be or to have been within the two preceding months employed in an industrial establishment, and require such person to be so examined and to sign a statutory declaration of the truth of the matters respecting which he is so examined; R.S.O. 1960, c. 130, s. 19 (1), cls. (*a-e*), *amended.*

(*f*) take with him into any premises a duly qualified medical practitioner, medical officer of health, sanitary inspector or any officer of the Department of Health; R.S.O. 1960, c. 130, s. 21.

(*g*) exercise such other powers and do such other things as are necessary for the carrying out of this Act and the regulations. R.S.O. 1960, c. 130, s. 19 (1), cl. (*f*).

Samples

(2) Where an inspector takes a sample under clause *c* of subsection 1, the owner, employer or person in charge of the place from which the sample is taken may, at the time the sample is taken and upon providing the necessary facilities, require the inspector to divide the sample into two parts and to deliver one part to such owner, employer or person. *New.*

Entry to dwellings

(3) An inspector shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 14 of *The Summary Convictions Act.* R.S.O. 1960, c. 130, s. 22, *amended.*

R.S.O. 1960, c. 387

Powers on investigation

(4) For the purpose of an investigation, inquiry or examination made by him under this Act, the chief inspector has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act.* R.S.O. 1960, c. 130, s. 19 (1), cl. (*f*), *amended.*

R.S.O. 1960, c. 323

Obstruction of inspector

9.—(1) No person shall obstruct or attempt to obstruct an inspector in the exercise of a power or the performance of a duty under this Act. *New.*

Co-operation by owner and employer

(2) The owner and employer and their agents and servants shall furnish all means in their power required by an inspector for entry, inspection, examination, testing and inquiry in the exercise of his powers and duties. R.S.O. 1960, c. 130, s. 19 (2), *amended.*

Directions by inspector where non-compliance with Act or regulations

10.—(1) An inspector may give directions orally or in writing to any person for the carrying out of any matter or thing regulated, controlled or required by this Act or the regulations and may require that his directions be carried out within such time as he specifies.

(2) If a person to whom an inspector gives oral directions under subsection 1 requests that the directions be put in writing, the inspector shall put the directions in writing. In writing

(3) Any owner or employer affected by a direction of an inspector under subsection 1 may appeal therefrom by forthwith giving notice to the chief inspector orally or in writing. Appeal from direction

(4) Oral notice of appeal may be given by telephone and shall be confirmed in writing. Oral notice of appeal

(5) The chief inspector shall vary, rescind or confirm the direction after giving the owner or employer an opportunity to be heard. *New.* Disposal of appeal

11.—(1) Where an inspector considers that any place, matter or thing, or any part or parts thereof, in an industrial establishment is a source of danger to the safety of persons employed therein or having access thereto, he, Directions by inspector where safety endangered

(*a*) shall give such directions in writing to the employer or owner as he considers necessary, directing him immediately or within such period of time as the inspector specifies,

(i) to take measures for guarding the source of danger, or

(ii) to protect the safety of any person against dangers therefrom; and

(*b*) may direct that any place, matter or thing shall not be used until his directions are complied with. R.S.O. 1960, c. 130, s. 53 (1), *revised.*

(2) Where an inspector gives a direction under clause *b* of subsection 1, he may affix to the place, matter or thing or any part thereof a notice in the prescribed form, and no person, except an inspector, shall remove the notice unless authorized by an inspector. R.S.O. 1960, c. 130, s. 53 (2). Affixing notice prohibiting use

12. Where this Act or the regulations require the approval of an inspector, the approval may be given upon such terms and conditions as the inspector deems necessary, and the approval may be withdrawn for a breach of any condition or upon a change in relevant circumstances. *New.* Power of inspector re approvals

Inspector's evidence in civil suit

13.—(1) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties under this Act except with the written permission of the Minister. R.S.O. 1960, c. 130, s. 23, *amended.*

Information confidential

(2) No person who is admitted into any industrial establishment in pursuance of the powers conferred by section 8 shall disclose to any person any information obtained by him therein with regard to any manufacturing process or trade secret except for the purposes of this Act or as required by law.

Information not to be published

(3) No person except for the purposes of this Act or for the purposes of a prosecution shall publish or disclose the results of any analysis, examination, testing, inquiry or sampling made or taken under this Act.

Information not to be disclosed

(4) No person to whom information is communicated in confidence under section 8,

(*a*) shall divulge the name of the informant to any person except for the purposes of this Act;

(*b*) is competent or compellable to divulge the name of the informant before any court or other tribunal.

Inspector not liable

(5) No inspector is personally liable for anything done by him under the authority of this Act or the regulations. *New.*

Posting of notices

14.—(1) An inspector shall post up in an industrial establishment, in such conspicuous positions as he determines,

(*a*) a notice of the name and address of the inspector; and

(*b*) such notices of the provisions of this Act and the regulations as the inspector deems necessary to enable the persons therein to become acquainted with their rights, liabilities and duties under this Act.

Removal of notices

(2) Every employer shall maintain in position and without change or defacement any notice or document posted under this Act or the regulations until otherwise directed by an inspector, and no person shall remove, change or deface any such notice or document. R.S.O. 1960, c. 130, s. 24 (1), *part, amended.*

15.—(1) The sending or service of any notice, order, direction, summons or document to or upon any person for the purposes of this Act or the regulations shall be made, Service

(*a*) by serving it personally on such person;

(*b*) by leaving it at the place of his last known or usual residence or, alternatively, in the case of an employer, by leaving it at the industrial establishment for which he is the employer; or

(*c*) by mailing it by prepaid first-class mail addressed to the person at his last known or usual residence or, alternatively, in the case of an employer, addressed to the industrial establishment for which he is the employer without naming him in the address,

and the leaving or mailing shall be deemed conclusively to be good and sufficient sending or service on the date of the leaving or mailing. R.S.O. 1960, c. 130, s. 25, *amended.*

(2) The service or sending of a notice, order, direction, summons or document under clause *c* of subsection 1 may be proved by affidavit of the person who mailed the notice, order, direction, summons or document, and the affidavit shall state, Proof of mailing

(*a*) the place and date of mailing;

(*b*) the name of the person and the address to which the notice, order, direction, summons or document was sent; and

(*c*) that to the best of the knowledge and belief of the deponent the address to which the notice, order, direction, summons or document was sent is the last known or usual address,

(i) of the person to whom it was sent, or

(ii) where the person to whom it was sent is an employer, of the industrial establishment for which he is the employer. *New.*

16.—(1) Subject to subsections 4 and 5, no person shall commence to construct or reconstruct a building or add to or alter an existing building, Approval of drawings and specifications

(*a*) that is to be or is used as a factory;

(*b*) that is to be or is used as a shop or office building and is to be or is more than two storeys in height; or

(*c*) that is to be or is used as a shop or office building and is to have or has more than 5,000 square feet of gross horizontal area in any storey enclosed within,

(i) exterior walls, or

(ii) any combination of exterior walls and interior fire-resistive walls without any opening to another building,

or install or alter in an industrial establishment any equipment, machinery or device designated by the regulations until the drawings and specifications thereof have been approved by an engineer of the Department. R.S.O. 1960, c. 130, s. 13 (1).

Application for approval

(2) An application for approval shall be in the form prescribed by the regulations, and shall,

(*a*) be accompanied by the drawings and specifications in duplicate of the proposed construction, reconstruction, addition, installation or alteration and the estimated cost thereof; and

(*b*) be supplemented by such additional information as the engineer of the Department requires. R.S.O. 1960, c. 130, s. 13 (2), *amended*.

Approval of specification

(3) Upon payment of the fee therefor, an engineer of the Department shall examine the drawings and specifications and, if they comply with this Act and the regulations, he shall certify his approval thereon and return one copy to the applicant, and the construction, reconstruction, addition, installation or alteration may be proceeded with only in accordance with the drawings and specifications as approved. R.S.O. 1960, c. 130, s. 13 (4), *amended*.

Preliminary approval

(4) An engineer of the Department may grant a preliminary approval of the drawings and specifications.

Idem

(5) Where the drawings and specifications of any building have received a preliminary approval under subsection 4 and construction of the building has commenced, but the approval under subsection 3 has not been certified thereon, no person shall occupy or use the building as a factory, shop, office or office building. *New*.

Notice of occupation of factory

17.—(1) Every employer, upon commencing to occupy a factory, shall send to the chief inspector forthwith a notice in writing of the name of the firm under which the business

of the factory is to be carried on, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work and the expected number of employees. R.S.O. 1960, c. 130, s. 15, *amended.*

Registration of employers

(2) Upon receipt of the notice in writing under subsection 1 and of a report by an inspector, the chief inspector shall register the employer in the name of the firm under which the business of the factory is to be carried on, and shall forthwith issue to the employer a certificate of registration of such factory.

Posting of certificate of registration

(3) Every employer who is issued a certificate of registration shall forthwith upon its receipt post it up in a conspicuous place in the factory and shall ensure that it is maintained in position without change or defacement. *New.*

Revocation of approvals, permits or registration

18. The Minister may suspend or revoke any approval, permit or registration granted under this Act. R.S.O. 1960, c. 130, s. 16, *amended.*

Safety

19.—(1) Every employer shall keep his industrial establishment so that the safety of persons in the establishment is not likely to be endangered. R.S.O. 1960, c. 130, s. 66, *amended.*

When safety deemed endangered

(2) Without restricting the generality of subsection 1, where, in an industrial establishment,

R.S.O. 1960, cc. 97, 300

(*a*) the regulations made under *The Department of Labour Act* or under *The Power Commission Act* are contravened;

1962-63, c. 8

(*b*) a boiler or pressure vessel is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act* and the regulations thereunder;

R.S.O. 1960, c. 119

(*c*) an elevator, dumb-waiter, escalator, manlift or incline lift is constructed, installed, maintained or operated in a manner contrary to *The Elevators and Lifts Act* and the regulations thereunder;

1964, c. . . .

(*d*) *The Operating Engineers Act, 1964* and the regulations thereunder are contravened; or

1961-62, c. 18

(*e*) maintenance work for a building, structure or other object is being carried on by an employee who is working in a manner and under circumstances contrary to the provisions of the regulations made under *The Construction Safety Act, 1961-62,*

such industrial establishment shall be deemed to be kept so that the safety of persons therein is endangered. R.S.O. 1960, c. 130, ss. 57, 58.

Safety precautions

(3) Every employer shall take such precautions as are reasonable in the circumstances to ensure the safety of every person in the industrial establishment. *New.*

Duty of lessee

20. Every person in possession of an industrial establishment or part thereof other than the owner is jointly responsible with the owner for anything that the owner is required to do under this Act or the regulations if the thing is the obligation of the person in possession to do under the agreement for possession. *New.*

Persons deemed employees

21.—(1) A person who has charge and control of an industrial establishment shall be deemed to be the employer of every person,

(*a*) working therein, notwithstanding that the work is performed under a contract with another person; or

(*b*) found in a factory except at meal times or while the machinery of the factory is stopped or except when present for the purpose of bringing food to persons employed in the factory,

other than a person working in the industrial establishment or found in the factory while employed on a project as defined in *The Construction Safety Act, 1961-62.*

1961-62, c. 18

Person deemed employer

(2) Notwithstanding subsection 1, any person who under a contract with an employer of an industrial establishment supplies the employer with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied. *New.*

Exemption

(3) Playgrounds, recreation areas and public waiting rooms of a factory in which no machinery is used or manufacturing process carried on shall be deemed not to be part of the factory for the purposes of clause *b* of subsection 1. R.S.O. 1960, c. 130, s. 9 (2), *revised.*

Unsafe equipment

22.—(1) No person who has reasonable cause to believe that any machine, device or thing in or about an industrial establishment is unsafe or in contravention of this Act or the regulations shall use or operate or cause or permit it to be used or operated.

(2) No person shall use or operate any machine, device or thing in or about an industrial establishment in an unsafe manner or in a manner that does not comply with the regulations. *New.* Unsafe operation

23. No person on his own behalf or for any other person shall make any agreement for sale or sell, lease or transfer possession of any machine, device or thing for use in or about an industrial establishment where the machine, device or thing is unsafe or does not comply with the regulations. *New.* Sale of unsafe equipment

24.—(1) Subject to subsection 2, no person shall employ a child in an industrial establishment. R.S.O. 1960, c. 130, s. 26, *amended.* Employment of children

(2) A child who is fourteen years of age may be employed in a shop, office or office building under such conditions as are prescribed by the regulations. *New.* Employment of children 14 years of age

(3) Where a parent consents to the employment of his child in an industrial establishment contrary to subsection 1 or 2, the parent shall be deemed to have contravened this Act. R.S.O. 1960, c. 130, s. 68, *amended.* Parental consent

(4) The employment of a child in an industrial establishment contrary to subsection 1 or 2 is *prima facie* proof of the consent of his parent thereto. *New.* Proof

25. No employer shall employ a person who is not a child but is under the age of sixteen years in an industrial establishment during school hours unless such person has furnished to the employer a certificate issued in accordance with *The Schools Administration Act* permitting the absence of such person from school, and the certificate shall be kept on file by the employer and produced upon demand of an inspector. R.S.O. 1960, c. 130, s. 28. Employment of adolescents R.S.O. 1960, c. 361

26.—(1) The Lieutenant Governor in Council may make such regulations as in his opinion are advisable to ensure the safety and welfare of persons in or about industrial establishments. Regulations

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations, Idem

1. prescribing forms and providing for their use;

2. providing for and prescribing fees;

3. requiring and prescribing the notices in one or more languages that shall be posted by employers;

4. prescribing the records that shall be kept by owners and employers;

5. respecting the duties and powers of an inspector or engineer of the Department;

6. designating equipment, machinery and devices for the purposes of section 16 and prescribing the nature of the drawings and specifications to be submitted under this Part and by whom such drawings and specifications shall be prepared or certified;

7. prohibiting employment or modifying or limiting the hours of employment of any person or class of persons in connection with any industrial establishment;

8. respecting the use of any material or process;

9. regulating or prohibiting the sale, installation or use of any machine, device or thing;

10. exempting any person or any class of persons from the application of or compliance with this Part or the regulations or of any of the provisions thereof;

11. exempting any manufacture, machinery, machine, process or thing or any class of them or any description of manual labour from the application of this Part or the regulations or of any of the provisions thereof;

12. requiring and regulating protective clothing and safety devices for persons employed or working in any manufacturing or industrial undertaking or process or who are exposed to any hazards;

13. respecting any poisonous, dangerous or harmful material, substance or thing;

14. prescribing the conditions under which the safety of persons is deemed to be endangered for the purpose of section 19;

15. prescribing the conditions under which a child who is fourteen years of age may be employed in a shop, office or office building;

16. respecting the weight that may be lifted, carried or moved by any person or class of persons employed in an industrial establishment or any class thereof;

17. respecting protection from fire in an industrial establishment;

18. respecting the provision and maintenance of any sanitary convenience or welfare provision in an industrial establishment;

19. respecting the employment of pregnant females in any factory or shop;

20. respecting safe atmospheric conditions to which any person or class of persons in an industrial establishment may be exposed in the course of any employment;

21. respecting medical examinations of person employed in an industrial establishment and the reports to be made of such examinations;

22. respecting the reporting by physicians and others of cases of affection from dangerous or harmful substances or industrial poisoning;

23. requiring owners and employers to transmit to the chief inspector such returns and reports as are prescribed;

24. respecting the provision of suitable facilities for medical treatment in cases of accident and sickness and for the supervision of the general health of employees during working hours;

25. requiring that any machine, device or thing used in an industrial establishment bears the seal of approval of an organization designated to test and approve the machine, device or thing;

26. requiring the approval of an inspector in respect of any method, matter or thing;

27. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

(3) Any regulation may be general or particular in its application. *New.* **Application of regulation**

PART II

HOMEWORKERS

27.—(1) No person shall employ a homeworker or do homework without a permit therefor issued by the chief inspector. **Permits**

Application for permit

(2) An application for a permit shall be made to the chief inspector in the prescribed form.

Issuance of permit

(3) The chief inspector may issue a permit where he is satisfied that the homework can be done lawfully.

Terms and conditions

(4) The chief inspector may issue a permit on such terms and conditions as he considers advisable.

Revocation and suspension

R.S.O. 1960, c. 321

(5) The chief inspector may revoke or suspend a permit for a breach of a term or condition thereof, or where the holder is responsible for a nuisance within the meaning of *The Public Health Act*, or a breach of any Act. *New.*

Powers of inspector

28. An inspector has the same powers and duties with respect to premises where homework is carried on and with respect to the articles and things therein as a medical officer of health under sections 82 to 93 of *The Public Health Act. New.*

Register of homeworkers

29.—(1) Every employer shall keep a register and enter therein the name, address and permit number of every homeworker to whom he gives homework, and the days and hours thereof and the wages paid therefor.

Inspection of register

(2) An inspector may enter the premises of an employer at any time and inspect the register required by subsection 1, and any article or thing to be delivered to or that has been received from a homeworker. *New.*

Regulations

30. The Lieutenant Governor in Council may make regulations for the purposes of this Part,

(*a*) requiring the payment of fees and prescribing the amounts thereof;

(*b*) prescribing forms and providing for their use;

(*c*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part. *New.*

PART III

ENFORCEMENT AND PENALTIES

Injunction proceedings

31.—(1) The chief inspector may by originating notice apply to a judge of the Supreme Court for an order enjoining any person from continuing any act or default for which such person was convicted of an offence against this Act or the regulations.

(2) The judge in his discretion may make such order, and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. *New.* Idem

32. No person shall wilfully make a false statement or entry in a register, notice, certificate, plan, specification, document or other information required by this Act or the regulations to be submitted, kept, served or sent, and no person shall wilfully make or sign a false declaration under this Act, or knowingly make use of any such false statement, entry or declaration. R.S.O. 1960, c. 130, s. 67, *amended.* False entries, etc.

33. Where in an information it is alleged that a person is a child or otherwise under a prescribed age, the onus is on the person charged to prove that such person is not a child or is otherwise over the age alleged. R.S.O. 1960, c. 130, s. 70, *amended.* Onus of proof as to age

34. Where there is an act or default that constitutes an offence by an employer under this Act or the regulations and the act or default has in fact been committed or made by a person other than the employer, the offence shall be deemed to have been also committed by such other person. *New.* Offence by persons other than employer

35. It is sufficient in an information for an offence against this Act or the regulations to name the employer by stating the ostensible employer or the firm name by which the employer is usually known. R.S.O. 1960, c. 130, s. 75 (2), *revised.* Name of employer

36. Where the circumstances constituting an offence against this Act continue from day to day and, Continuing offences

(*a*) an information has been laid in respect of the offence; or

(*b*) the offence is one of employing two or more children contrary to this Act,

the offence shall be deemed to have been repeated on each day the circumstances continue. R.S.O. 1960, c. 130, s. 74, *revised.*

37. Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, a direction of an inspector or a condition of an approval or permit is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1960, c. 130, s. 69, *amended.* General offence and penalty

Limitation on prosecution

38. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred. *New.*

PART IV

MISCELLANEOUS

R.S.O. 1960, c. 130; 1960-61, c. 27; 1961-62, c. 86, s. 57; 1962-63, c. 44, repealed

39. *The Factory, Shop and Office Building Act, The Factory, Shop and Office Building Amendment Act, 1960-61,* section 57 of *The Municipal Amendment Act, 1961-62* and *The Factory, Shop and Office Building Amendment Act, 1962-63* are repealed.

Commencement

40. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

41. This Act may be cited as *The Industrial Safety Act, 1964.*

BILL 3

The Industrial Safety Act, 1964

1st Reading

January 20th, 1964

2nd Reading

January 24th, 1964

3rd Reading

March 25th, 1964

MR. ROWNTREE

1964

BILL 4

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Apprenticeship and Tradesmen's Qualification Act, 1964

MR. ROWNTREE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

General: This is the first major revision of *The Apprenticeship Act* since 1928.

This Bill implements the principal recommendations of the Select Committee on Manpower Training, such as the following:

1. The administration of the Act is placed with the Director of Apprenticeship who will function under the supervision and control of the Minister of Labour thus bringing the Act into line with present administrative practices. (See section 6.)

2. The Minister of Labour is given power to appoint a provincial advisory committee for any trade or group of trades (this is now done by the Industry and Labour Board) and the function of these committees is advisory only. (See section 3.)

3. Local apprenticeship committees will be advisory only and will be appointed by the Director of Apprenticeship rather than by the provincial advisory committee for the particular trade. (See section 4.)

4. The powers of the Director of Apprenticeship and other authorized persons to inspect premises, equipment, records, etc., of employers are clarified. (See section 7.)

5. The distinction between "a trade" and "the trade" and the definition of "apprentice" are simplified, i.e., any person over 16 years of age may become an apprentice.

6. Untrained persons who hereafter commence to work in a trade for which there is an apprentice training programme must become apprentices within three months. (See sections 8 and 9.)

7. Certified trades (at the present time these are barbering, hair dressing and motor vehicle repairing) will continue to be controlled, that is, those that work in the trade must be qualified under the Act as apprentices, tradesmen, etc. (See section 10.)

8. Apprentices may engage in lawful strikes without violating their apprenticeship contracts. (See section 4.)

9. Contractors on public works will be obliged to employ apprentices in trades in which apprentice training programmes are in effect. (See section 11.)

BILL 4 **1964**

The Apprenticeship and Tradesmen's Qualification Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "apprentice" means a person who is at least sixteen years of age and who has entered into a contract under which he is to receive, from or through his employer, training and instruction in a trade;

(*b*) "Director" means the Director of Apprenticeship;

(*c*) "employer" includes the Crown and any other public authority, the Ontario Apprenticeship Institute and any local apprenticeship committee;

(*d*) "Minister" means the Minister of Labour;

(*e*) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 17, s. 1, *amended.*

2.—(1) There shall be appointed a Director of Apprenticeship and such other officers, clerks and servants as are deemed expedient for the purposes of this Act. R.S.O. 1960, c. 17, s. 4 (1), *amended.* Director and staff

(2) Subject to the approval of the Minister, the Director may appoint one or more examiners to assist in the conduct of examinations prescribed for any trade, and such examiners, upon the direction of the Lieutenant Governor in Council, may be paid their travelling expenses and a *per diem* allowance for their services out of such moneys as are appropriated therefor by the Legislature. R.S.O. 1960, c. 17, s. 16 (5), *amended.* Examiners

3.—(1) The Minister may appoint a provincial advisory committee in any trade or group of trades to advise him in Provincial advisory committees, appointment

matters relating to the establishment and operation of apprentice training programmes and tradesmen's qualifications. R.S.O. 1960, c. 17, s. 16 (1), *amended.*

com-position

(2) Every provincial advisory committee shall consist of not fewer than five members made up of equal numbers of representatives of employers and of employees and the Director or such other officer of the Department of Labour as may be designated by him. R.S.O. 1960, c. 17, s. 16 (3).

term of office of appointed members

(3) The representatives of employers and employees on a provincial advisory committee shall be appointed for terms of one, two or three years, and having served a term shall not be re-appointed for at least two years. R.S.O. 1960, c. 17, s. 16 (2), *amended.*

vacancies

(4) When a vacancy occurs on a provincial advisory committee during a term of office, the Minister may fill the vacancy for the unexpired portion of the term. *New.*

travelling expenses, allowances, etc.

(5) The Lieutenant Governor in Council may direct payment, out of such moneys as are appropriated therefor by the Legislature, of the travelling expenses of the members of provincial advisory committees and a *per diem* allowance for the time spent by such members in attending meetings, and of any expenses properly incurred by such a committee in carrying out its duties. R.S.O. 1960, c. 17, s. 16 (4).

Local apprenticeship committees

4. The Director may appoint local apprenticeship committees composed of such persons as he deems appropriate for any area of Ontario to advise and assist him in matters relating to apprenticeship or tradesmen's qualifications in the area. R.S.O. 1960, c. 17, s. 17 (3), *amended.*

Agreements respecting manpower training

5. With the approval of the Lieutenant Governor in Council, the Minister may enter into one or more agreements with the Minister of Labour of Canada respecting apprentice or manpower training. *New.*

Duties of Director

6. Subject to the supervision and control of the Minister, it is the duty of the Director to administer and enforce this Act, and, without limiting the generality of the foregoing, for the purposes of this Act,

(*a*) to collaborate with persons and organizations in the determination of training requirements in any trade;

(*b*) to undertake or collaborate in studies or investigations of any trade and of the requirements for the supply and training of persons therefor;

(*c*) to publicize and promote apprenticeship as a method of training in any trade;

(*d*) to plan and carry out programmes of apprenticeship in any trade;

(*e*) generally to perform such other duties as are assigned to him by the Minister for the carrying out of this Act. R.S.O. 1960, c. 17, s. 5, *amended*.

7.—(1) For the purpose of carrying out this Act, the Director, or any person authorized by the Minister in writing, may, Powers of Director

(*a*) inspect the premises, equipment and training facilities of an employer;

(*b*) inspect and examine all books, payrolls and other records of an employer that in any way relate to the wages, hours of labour or conditions of employment of any person;

(*c*) take extracts from or make copies of any entry in such books, payrolls and records;

(*d*) require an employer to make full disclosure and production of all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof that the employer may have in his possession or control, or other information, either oral or in writing and either verified by oath or otherwise, that in any way relate to the wages, hours or labour or conditions of employment of persons employed by him;

(*e*) upon notice to the parties and after giving them an opportunity to be heard, cancel for cause contracts of apprenticeship.

(2) Notwithstanding any of the provisions of this Act or the regulations, the Director may register any person as an apprentice, or grant a certificate of apprenticeship, a certificate of qualification or a certificate of proficiency to any person, who, in the opinion of the Director, is unable by reason of physical incapacity or other circumstances to take or complete the prescribed course of study or training in a trade or apprentice training programme. *New*. Idem, special circumstances

Duty to register as an apprentice

8.—(1) Every person who hereafter commences to work at a trade for which an apprentice training programme is established but who does not hold a certificate of apprenticeship or qualification in that trade shall,

(*a*) forthwith apply in the prescribed form for apprenticeship in that trade; and

[(*b*)] within three months after commencing to work in that trade, file with the Director his contract of apprenticeship.

Idem

(2) Every person who fails to comply with subsection 1 shall, upon the expiration of the period of three months mentioned in clause *b* of subsection 1, cease to work in that trade until he files with the Director his contract of apprenticeship or until the Director authorizes in writing the continuation or resumption of such work. R.S.O. 1960, c. 17, s. 7, *amended.*

Persons under 21

9. Where an apprentice training programme is established for a trade, every employer in the trade employing any person under twenty-one years of age,

(*a*) who is not an apprentice in that trade; or

(*b*) who does not hold a certificate of apprenticeship or qualification in that trade,

shall immediately notify the Director of the particulars of the employment and of the name and address of the person so employed in order that the Director may inform the person so employed of his rights and duties under this Act. *New.*

Certified trades

10.—(1) The Lieutenant Governor in Council may designate any trade as a certified trade for the purposes of this Act, and may provide for separate branches or classifications within the trade.

Who may work in a certified trade

(2) No person, other than an apprentice or a person referred to in subsection 3 or such class of persons as is exempt from this section, shall work or be employed in any certified trade unless such person holds a subsisting certificate of qualification in the certified trade.

Qualification of those in the trade at time of designation

(3) When a trade is certified under subsection 1, a person who is working in the trade at the time that it is certified shall be allowed a period of two years from the first day of the month following the month in which the trade is certified to qualify for a certificate of qualification in the trade, if he,

(*a*) is the holder of a certificate of apprenticeship in the trade; or

(*b*) satisfies the Director that he has been continuously engaged as a journeyman in the trade for a period of time in excess of the apprenticeship period for the trade; or

(*c*) satisfies the Director that he is qualified to work in the trade and meets such other requirements as the Director prescribes. *New.*

Employment of apprentices on government contracts 1962-63, c. 121

11. Where an apprentice training programme for a trade is in effect, no work shall be done in that trade on a public work within the meaning of *The Public Works Creditors Payment Act, 1962-63* unless the contractor, as defined in that Act, has in his employ the number of apprentices required under the regulations. *New.*

Strikes R.S.O. 1960, c. 202

12. Where an apprentice lawfully strikes within the meaning of *The Labour Relations Act*, he shall not be deemed to have broken his contract of apprenticeship. *New.*

Essentials of apprenticeship contracts

13. Every contract of apprenticeship shall be,

(*a*) for a period of at least two years;

(*b*) on the prescribed form;

(*c*) signed,

(i) by the employer,

(ii) by the person to be apprenticed, and

(iii) if he is under twenty-one years of age, by a parent or the guardian of the person to be apprenticed, but, if neither parent nor the guardian is willing to sign or is capable of signing, a judge of the county or district court of a county or district in which the employer carries on business may, upon the application of the person to be apprenticed and without the appointment of a next friend, dispense with the signature of either parent or of the guardian upon proof to the satisfaction of the judge that the contract is in the interests of the person to be apprenticed; and

(*d*) approved by the Director. R.S.O. 1960, c. 17, s. 11, *amended.*

Registration of contracts

14. Every contract of apprenticeship shall, upon its approval by the Director, be registered by him forthwith. *New.*

Minors

15. Every apprentice who is under twenty-one years of age shall perform and is entitled to the benefits of his contract of apprenticeship in accordance with its terms in the same manner and to the same extent as if he were of the full age of twenty-one years. *New.*

Termination of apprenticeship contracts

16.—(1) A contract of apprenticeship shall not be terminated before the completion of the apprenticeship period provided therein except by,

(*a*) the death of either party;

(*b*) consent, express or implied, of the parties;

(*c*) cancellation for cause of the contract. R.S.O. 1960, c. 17, s. 13, *amended.*

Transfer

(2) Where in the opinion of the Director the terms of a contract of apprenticeship cannot be fulfilled to the advantage of either party, he may arrange for the transfer of the contract. R.S.O. 1960, c. 17, s. 14, *amended.*

Termination, etc., to be noted

(3) The termination, cancellation or transfer of a contract of apprenticeship shall be noted by the Director on the registered copy of the agreement. *New.*

Offences

17.—(1) Every person,

(*a*) who contravenes any provision of this Act or the regulations;

(*b*) who fails to carry out the terms of a contract of apprenticeship under this Act;

(*c*) who enters into a contract or arrangement relating to the employment of an apprentice that is not in accordance with this Act;

(*d*) who withholds any information with regard to the working or training conditions of apprentices or makes any misrepresentation with regard thereto;

(*e*) who obstructs, hinders, prevents or otherwise interferes with the carrying out of this Act or the regulations or the terms of a contract of apprenticeship under this Act; or

(*f*) who uses for the purpose of obtaining employment or business a certificate of apprenticeship, a certificate of qualification or a certificate of proficiency issued to another person,

is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 17, s. 20, *amended.*

Collection of arrears of apprentice's wages

(2) In addition to any fine that may be imposed on an employer for his failure to pay an apprentice the wages due an apprentice, the magistrate may order the employer to pay to the Director in trust for the apprentice an amount equal to the arrears of wages to which the apprentice is entitled, and, when the order becomes final, a copy of it, certified as a true copy by the magistrate who made it, may be filed by the Director with the clerk of the county or district court of a county or district in which the employer carries on business or, where the amount of arrears does not exceed $400, with the clerk of a like division court, and, when so filed and upon payment of the fees of the clerk of the court, such order becomes an order of the court in which it is filed and may be enforced as a judgment of the court against the employer for the amount mentioned in the order and the fees so paid. *New.*

Regulations

18. The Lieutenant Governor in Council may make regulations,

(*a*) defining any trade;

(*b*) establishing an apprentice training programme for any trade or group of trades;

(*c*) exempting any trade or class of persons in a trade from this Act and the regulations or from any provision of either of them;

(*d*) providing a system of proficiency certificates for any trade not designated as a certified trade under section 10;

(*e*) providing for approval by the Director of apprentice training programmes established by employers;

(*f*) providing licences for trade schools teaching any trade to which this Act applies and respecting their issue, renewal, revocation and suspension, and prescribing courses of study and methods of training in such trade schools and respecting their operation;

(*g*) respecting the periods of apprenticeship, qualifications and training of apprentices in any trade;

(*h*) approving or prescribing courses of training or study for apprentices, and fixing the credits to be allowed for such courses;

(*i*) prescribing, in respect of any trade, rates of wages for applicants for apprenticeship or apprentices or any class of applicants or apprentices;

(*j*) prescribing the maximum number of persons who may be apprenticed to an employer in a trade;

(*k*) respecting the ratio of apprentices to journeymen who may be employed by an employer in a trade;

(*l*) respecting the issue, posting, cancellation, suspension or renewal of certificates under this Act;

(*m*) respecting the making, registration or transfer of contracts of apprenticeship;

(*n*) requiring and providing for the posting up in employers' premises of extracts from this Act or the regulations;

(*o*) defining any expression used in this Act for the purposes of this Act;

(*p*) providing for and prescribing fees;

(*q*) prescribing forms and providing for their use;

(*r*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 17, s. 15 (1), *amended.*

Transitional provision, certificates

19.—(1) Certificates issued under the predecessor of this Act and subsisting when this Act comes into force continue in force as though this Act had not been passed.

Contracts of apprenticeship

(2) Contracts of apprenticeship approved and registered under a predecessor of this Act and subsisting when this Act comes into force shall be deemed to have been approved and registered by the Director under this Act.

R.S.O. 1960, c. 17; 1962-63, c. 4, repealed

20. *The Apprenticeship Act* and *The Apprenticeship Amendment Act, 1962-63* are repealed.

Commencement

21. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

22. This Act may be cited as *The Apprenticeship and Tradesmen's Qualification Act, 1964.*

BILL 4

The Apprenticeship and Tradesmen's Qualification Act, 1964

1st Reading

January 20th, 1964

2nd Reading

3rd Reading

MR. ROWNTREE

1964

BILL 4

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Apprenticeship and Tradesmen's Qualification Act, 1964

MR. ROWNTREE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 4 **1964**

The Apprenticeship and Tradesmen's Qualification Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "apprentice" means a person who is at least sixteen years of age and who has entered into a contract under which he is to receive, from or through his employer, training and instruction in a trade;

(*b*) "Director" means the Director of Apprenticeship;

(*c*) "employer" includes the Crown and any other public authority, the Ontario Apprenticeship Institute and any local apprenticeship committee;

(*d*) "Minister" means the Minister of Labour;

(*e*) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 17, s. 1, *amended.*

2.—(1) There shall be appointed a Director of Apprenticeship and such other officers, clerks and servants as are deemed expedient for the purposes of this Act. R.S.O. 1960, c. 17, s. 4 (1), *amended.* Director and staff

(2) Subject to the approval of the Minister, the Director may appoint one or more examiners to assist in the conduct of examinations prescribed for any trade, and such examiners, upon the direction of the Lieutenant Governor in Council, may be paid their travelling expenses and a *per diem* allowance for their services out of such moneys as are appropriated therefor by the Legislature. R.S.O. 1960, c. 17, s. 16 (5), *amended.* Examiners

3.—(1) The Minister may appoint a provincial advisory committee in any trade or group of trades to advise him in Provincial advisory committees, appointment

matters relating to the establishment and operation of apprentice training programmes and tradesmen's qualifications. R.S.O. 1960, c. 17, s. 16 (1), *amended.*

com-position

(2) Every provincial advisory committee shall consist of not fewer than five members made up of equal numbers of representatives of employers and of employees and the Director or such other officer of the Department of Labour as may be designated by him. R.S.O. 1960, c. 17, s. 16 (3).

term of office of appointed members

(3) The representatives of employers and employees on a provincial advisory committee shall be appointed for terms of one, two or three years, and having served a term shall not be re-appointed for at least two years. R.S.O. 1960, c. 17, s. 16 (2), *amended.*

vacancies

(4) When a vacancy occurs on a provincial advisory committee during a term of office, the Minister may fill the vacancy for the unexpired portion of the term. *New.*

travelling expenses, allowances, etc.

(5) The Lieutenant Governor in Council may direct payment, out of such moneys as are appropriated therefor by the Legislature, of the travelling expenses of the members of provincial advisory committees and a *per diem* allowance for the time spent by such members in attending meetings, and of any expenses properly incurred by such a committee in carrying out its duties. R.S.O. 1960, c. 17, s. 16 (4).

Local apprenticeship committees

4. The Director may appoint local apprenticeship committees composed of such persons as he deems appropriate for any area of Ontario to advise and assist him in matters relating to apprenticeship or tradesmen's qualifications in the area. R.S.O. 1960, c. 17, s. 17 (3), *amended.*

Agreements respecting manpower training

5. With the approval of the Lieutenant Governor in Council, the Minister may enter into one or more agreements with the Minister of Labour of Canada respecting apprentice or manpower training. *New.*

Duties of Director

6. Subject to the supervision and control of the Minister, it is the duty of the Director to administer and enforce this Act, and, without limiting the generality of the foregoing, for the purposes of this Act,

(*a*) to collaborate with persons and organizations in the determination of training requirements in any trade;

(*b*) to undertake or collaborate in studies or investigations of any trade and of the requirements for the supply and training of persons therefor;

(*c*) to publicize and promote apprenticeship as a method of training in any trade;

(*d*) to plan and carry out programmes of apprenticeship in any trade;

(*e*) generally to perform such other duties as are assigned to him by the Minister for the carrying out of this Act. R.S.O. 1960, c. 17, s. 5, *amended.*

Powers of Director

7.—(1) For the purpose of carrying out this Act, the Director, or any person authorized by the Minister in writing, may,

(*a*) inspect the premises, equipment and training facilities of an employer;

(*b*) inspect and examine all books, payrolls and other records of an employer that in any way relate to the wages, hours of labour or conditions of employment of any person;

(*c*) take extracts from or make copies of any entry in such books, payrolls and records;

(*d*) require an employer to make full disclosure and production of all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof that the employer may have in his possession or control, or other information, either oral or in writing and either verified by oath or otherwise, that in any way relate to the wages, hours or labour or conditions of employment of persons employed by him;

(*e*) upon notice to the parties and after giving them an opportunity to be heard, cancel for cause contracts of apprenticeship.

Idem, special circumstances

(2) Notwithstanding any of the provisions of this Act or the regulations, the Director may register any person as an apprentice, or grant a certificate of apprenticeship, a certificate of qualification or a certificate of proficiency to any person, who, in the opinion of the Director, is unable by reason of physical incapacity or other circumstances to take or complete the prescribed course of study or training in a trade or apprentice training programme. *New.*

Duty to register as an apprentice

8.—(1) Every person who hereafter commences to work at a trade for which an apprentice training programme is established but who does not hold a certificate of apprenticeship or qualification in that trade shall,

(*a*) forthwith apply in the prescribed form for apprenticeship in that trade; and

(*b*) within three months after commencing to work in that trade, file with the Director his contract of apprenticeship.

Idem

(2) Every person who fails to comply with subsection 1 shall, upon the expiration of the period of three months mentioned in clause *b* of subsection 1, cease to work in that trade until he files with the Director his contract of apprenticeship or until the Director authorizes in writing the continuation or resumption of such work. R.S.O. 1960, c. 17, s. 7, *amended.*

Persons under 21

9. Where an apprentice training programme is established for a trade, every employer in the trade employing any person under twenty-one years of age,

(*a*) who is not an apprentice in that trade; or

(*b*) who does not hold a certificate of apprenticeship or qualification in that trade,

shall immediately notify the Director of the particulars of the employment and of the name and address of the person so employed in order that the Director may inform the person so employed of his rights and duties under this Act. *New.*

Certified trades

10.—(1) The Lieutenant Governor in Council may designate any trade as a certified trade for the purposes of this Act, and may provide for separate branches or classifications within the trade.

Who may work in a certified trade

(2) No person, other than an apprentice or a person referred to in subsection 3 or such class of persons as is exempt from this section, shall work or be employed in any certified trade unless such person holds a subsisting certificate of qualification in the certified trade.

Qualification of those in the trade at time of designation

(3) When a trade is certified under subsection 1, a person who is working in the trade at the time that it is certified shall be allowed a period of two years from the first day of the month following the month in which the trade is certified to qualify for a certificate of qualification in the trade, if he,

(*a*) is the holder of a certificate of apprenticeship in the trade; or

(*b*) satisfies the Director that he has been continuously engaged as a journeyman in the trade for a period of time in excess of the apprenticeship period for the trade; or

(*c*) satisfies the Director that he is qualified to work in the trade and meets such other requirements as the Director prescribes. *New.*

Employment of apprentices on government contracts 1962-63. c. 121

11. Where an apprentice training programme for a trade is in effect, no work shall be done in that trade on a public work within the meaning of *The Public Works Creditors Payment Act, 1962-63* unless the contractor, as defined in that Act, has in his employ the number of apprentices required under the regulations. *New.*

Strikes R.S.O. 1960, c. 202

12. Where an apprentice lawfully strikes within the meaning of *The Labour Relations Act*, he shall not be deemed to have broken his contract of apprenticeship. *New.*

Essentials of apprenticeship contracts

13. Every contract of apprenticeship shall be,

(*a*) for a period of at least two years;

(*b*) in the prescribed form;

(*c*) signed,

(i) by the employer,

(ii) by the person to be apprenticed, and

(iii) if he is under twenty-one years of age, by a parent or the guardian of the person to be apprenticed, but, if neither parent nor the guardian is willing to sign or is capable of signing, a judge of the county or district court of a county or district in which the employer carries on business may, upon the application of the person to be apprenticed and without the appointment of a next friend, dispense with the signature of either parent or of the guardian upon proof to the satisfaction of the judge that the contract is in the interests of the person to be apprenticed; and

(*d*) approved by the Director. R.S.O. 1960, c. 17, s. 11, *amended.*

Registration of contracts

14. Every contract of apprenticeship shall, upon its approval by the Director, be registered by him forthwith. *New.*

Minors

15. Every apprentice who is under twenty-one years of age shall perform and is entitled to the benefits of his contract of apprenticeship in accordance with its terms in the same manner and to the same extent as if he were of the full age of twenty-one years. *New.*

Termination of apprenticeship contracts

16.—(1) A contract of apprenticeship shall not be terminated before the completion of the apprenticeship period provided therein except by,

(*a*) the death of either party;

(*b*) consent, express or implied, of the parties;

(*c*) cancellation for cause of the contract. R.S.O. 1960, c. 17, s. 13, *amended.*

Transfer

(2) Where in the opinion of the Director the terms of a contract of apprenticeship cannot be fulfilled to the advantage of either party, he may arrange for the transfer of the contract. R.S.O. 1960, c. 17, s. 14, *amended.*

Termination, etc., to be noted

(3) The termination, cancellation or transfer of a contract of apprenticeship shall be noted by the Director on the registered copy of the agreement. *New.*

Offences

17.—(1) Every person,

(*a*) who contravenes any provision of this Act or the regulations;

(*b*) who fails to carry out the terms of a contract of apprenticeship under this Act;

(*c*) who enters into a contract or arrangement relating to the employment of an apprentice that is not in accordance with this Act;

(*d*) who withholds any information with regard to the working or training conditions of apprentices or makes any misrepresentation with regard thereto;

(*e*) who obstructs, hinders, prevents or otherwise interferes with the carrying out of this Act or the regulations or the terms of a contract of apprenticeship under this Act; or

(*f*) who uses for the purpose of obtaining employment or business a certificate of apprenticeship, a certificate of qualification or a certificate of proficiency issued to another person,

is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 17, s. 20, *amended.*

Collection of arrears of apprentice's wages

(2) In addition to any fine that may be imposed on an employer for his failure to pay an apprentice the wages due an apprentice, the magistrate may order the employer to pay to the Director in trust for the apprentice an amount equal to the arrears of wages to which the apprentice is entitled, and, when the order becomes final, a copy of it, certified as a true copy by the magistrate who made it, may be filed by the Director with the clerk of the county or district court of a county or district in which the employer carries on business or, where the amount of arrears does not exceed $400, with the clerk of a like division court, and, when so filed and upon payment of the fees of the clerk of the court, such order becomes an order of the court in which it is filed and may be enforced as a judgment of the court against the employer for the amount mentioned in the order and the fees so paid. *New.*

Regulations

18. The Lieutenant Governor in Council may make regulations,

(*a*) defining any trade;

(*b*) establishing an apprentice training programme for any trade or group of trades;

(*c*) exempting any trade or class of persons in a trade from this Act and the regulations or from any provision of either of them;

(*d*) providing a system of proficiency certificates for any trade not designated as a certified trade under section 10;

(*e*) providing for approval by the Director of apprentice training programmes established by employers;

(*f*) providing licences for trade schools teaching any trade to which this Act applies and respecting their issue, renewal, revocation and suspension, and prescribing courses of study and methods of training in such trade schools and respecting their operation;

(*g*) respecting the periods of apprenticeship, qualifications and training of apprentices in any trade;

(*h*) approving or prescribing courses of training or study for apprentices, and fixing the credits to be allowed for such courses;

(*i*) prescribing, in respect of any trade, rates of wages for applicants for apprenticeship or apprentices or any class of applicants or apprentices;

(*j*) prescribing the maximum number of persons who may be apprenticed to an employer in a trade;

(*k*) respecting the ratio of apprentices to journeymen who may be employed by an employer in a trade;

(*l*) respecting the issue, posting, cancellation, suspension or renewal of certificates under this Act;

(*m*) respecting the making, registration or transfer of contracts of apprenticeship;

(*n*) requiring and providing for the posting up in employers' premises of extracts from this Act or the regulations;

(*o*) defining any expression used in this Act for the purposes of this Act;

(*p*) providing for and prescribing fees;

(*q*) prescribing forms and providing for their use;

(*r*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 17, s. 15 (1), *amended*.

Transitional provision, certificates

19.—(1) Certificates issued under the predecessor of this Act and subsisting when this Act comes into force continue in force as though this Act had not been passed.

Contracts of apprenticeship

(2) Contracts of apprenticeship approved and registered under a predecessor of this Act and subsisting when this Act comes into force shall be deemed to have been approved and registered by the Director under this Act.

R.S.O. 1960, c. 17; 1962-63, c. 4, repealed

20. *The Apprenticeship Act* and *The Apprenticeship Amendment Act, 1962-63* are repealed.

Commencement

21. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

22. This Act may be cited as *The Apprenticeship and Tradesmen's Qualification Act, 1964.*

BILL 4

The Apprenticeship and Tradesmen's Qualification Act, 1964

1st Reading

January 20th, 1964

2nd Reading

January 28th, 1964

3rd Reading

May 7th, 1964

MR. ROWNTREE

1964

BILL 5

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Industrial Standards Act

MR. ROWNTREE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

This Bill includes provisions to implement certain of the recommendations of Professor Bora Laskin, Q.C., appointed by the Minister of Labour to review the scope and operation of *The Industrial Standards Act.*

Section 1. Certain definitions are amended for clarification.

Section 2. The administration of the Act is removed from the Industry and Labour Board and put under an official of the Department called the Director of Labour Standards. At present the zones are designated by the Minister and may be altered by a conference. The amendment authorizes the Minister to alter a designated zone.

BILL 5 1964

An Act to amend The Industrial Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *b* of section 1 of *The Industrial Standards Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 1, cls. *a*, *b*, re-enacted

(*a*) "Director" means the Director of Labour Standards;

(*b*) "employee" means a person who is in receipt of or entitled to wages.

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 1, cl. *g*, re-enacted

(*g*) "wages" includes any form of remuneration for labour performed and, without restricting the generality of the foregoing, includes payment at an hourly, daily, weekly or monthly rate or at a piece-work or unit-price rate on an incentive or production basis.

2. Section 4 of *The Industrial Standards Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 4, re-enacted

4. A Director of Labour Standards shall be appointed for the purposes of this Act, and the Minister may designate an officer of the Department of Labour as Administrator of Industrial Standards who may perform the duties and exercise the powers of the Director under his direction. Director of Labour Standards and Administrator of Industrial Standards

4*a*.—(1) The Minister may designate the whole of Ontario, or any part or parts thereof, as a zone or zones for an industry for the purposes of this Act and may enlarge, reduce or divide any designated zone. Designation of zones

Interprovincially competitive industries

(2) Notwithstanding subsection 1, a zone for an industry that is designated as an interprovincially competitive industry under clause *e* of section 5 shall be the whole of Ontario, and any schedule for the industry may provide for different wages and hours and days of labour for different areas in the zone.

Designation of industries

4*b*. The Minister may designate an industry for the purposes of this Act and may amend any designation, and, where the designated industry is not enlarged by the amendment, any schedule applying to the industry, when the amendment was made, applies to the amended designation.

R.S.O. 1960, c. 186, s. 5, amended

3.—(1) Section 5 of *The Industrial Standards Act* is amended by striking out "Board" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 186, s. 5, cl. *c*, re-enacted

(2) Clause *c* of the said section 5 is repealed and the following substituted therefor:

(*c*) subject to subsection 2 and subject to the approval of the Lieutenant Governor in Council, and with the concurrence of the proper advisory committee, to amend any schedule, after giving notice of the terms of the proposed amendment by publication thereof at least once in each of two consecutive weeks in a newspaper having general circulation in the zone in which the schedule is in force.

R.S.O. 1960, c. 186, s. 5, cl. *d*, amended

(3) Clause *d* of the said section 5 is amended by striking out "Board" in the first line and inserting in lieu thereof "Director" and by striking out "its" in the third line and inserting in lieu thereof "his", so that the clause shall read as follows:

(*d*) to require any employer to pay to the Director the arrears of wages owing to an employee or employees according to any schedule and in his discretion to direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto.

R.S.O. 1960, c. 186, s. 5, cl. *e*, subcl. ii, amended

(4) Subclause ii of clause *e* of the said section 5 is amended by striking out "Board" in the fourth line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 185, s. 5, amended

(5) The said section 5 is further amended by adding thereto the following subsection:

Publication of amendment to schedule applying to whole of Ontario

(2) Where a schedule applies to a zone that is the whole of Ontario, publication of the terms of the proposed

SECTION 3—Subsections 1, 3 and 4. Complementary to section 2.

Subsections 2 and 5. Notice is required to be published of proposed amendments to schedules.

SECTION 4. Notice of the convening of a conference is required to be published. The proposals of a conference are required to be submitted to the Minister through the officer convening the conference in keeping with the existing practice.

SECTION 5—Subsection 1. Complementary to section 4.

Subsection 2. A schedule may provide for vacations and payment for days not worked.

Subsection 3. The clause added broadens the authority to define the industries that may come under a schedule.

Subsections 4 and 5. Complementary to section 2.

amendment in at least five newspapers designated by the Minister is sufficient notice for the purposes of clause *c* of subsection 1.

4.—(1) Section 6 of *The Industrial Standards Act* is amended by adding at the end thereof "and, subject to subsection 3, notice of the conference shall be given by publication thereof at least once in each of two consecutive weeks in a newspaper having general circulation in the zone for which the conference is to be held". R.S.O. 1960, c. 186, s. 6, amended

(2) The said section 6 is further amended by adding thereto the following subsections: R.S.O. 1960, c. 186, s. 6, amended

(2) The conference may submit to the Minister, through the officer who convenes the conference, a schedule in accordance with subsection 1 of section 7. Submission of schedule

(3) Where the zone referred to in subsection 1 is the whole of Ontario, notice of the conference shall be given by publication thereof at least once in each of two consecutive weeks in at least five newspapers as determined by the Minister. Notice of conference where zone is whole of Ontario

5.—(1) Subsection 1 of section 7 of *The Industrial Standards Act* is amended by striking out "The conference may submit to the Minister in writing a schedule of wages and hours and days of labour for the industry affected and the schedule may" in the first, second and third lines and inserting in lieu thereof "A schedule may". R.S.O. 1960 c. 186, s. 7, subs. 1, amended

(2) Subsection 1 of the said section 7 is further amended by adding thereto the following clause: R.S.O. 1960, c. 186, s. 7, subs. 1, amended

(*ea*) establish vacations with pay or payment in lieu thereof and payment for any day that may be designated as a holiday in the schedule.

(3) Clause *h* of subsection 1 of the said section 7 is repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 7, subs. 1, cl. *h*, re-enacted

(*h*) specify the particular operations that are included in the industry and prescribe the conditions under which the operations are included.

(4) Clause *j* of subsection 1 of the said section 7 is amended by striking out "Board" in the fourth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 186, s. 7, subs. 1, cl. *j*, amended

(5) Clause *l* of subsection 1 of the said section 7 is amended by striking out "Board" in the first line and inserting in lieu thereof "Director". R.S.O. 1960, c. 186, s. 7, subs. 1, cl. *l*, amended

R.S.O. 1960, c. 186, s. 7, subs. 3, repealed

(6) Subsection 3 of the said section 7 is repealed.

R.S.O. 1960, c. 186, s. 8, re-enacted

6. Section 8 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Investigation of conditions and practices

8.—(1) The Minister may direct the officer who convenes a conference to conduct further investigations into the conditions of labour and the practices prevailing in the industry, and the officer may recommend variations in the schedule proposed by the conference.

Approval of schedule by Minister

(2) If, in the opinion of the Minister, the schedule submitted by the conference is agreed to by a proper and sufficient representation of employers and employees, the Minister may approve the schedule submitted by the conference with such variations recommended by the officer convening the conference as the Minister considers desirable.

Declaring schedule in force

(3) Upon the recommendation of the Minister, the Lieutenant Governor in Council may declare the schedule to be in force during pleasure and to be binding upon all employers and employees in a designated industry and zone.

R.S.O. 1960, c. 186, s. 11, re-enacted

7. Section 11 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Records to be kept by employer

11.—(1) An employer to whom a schedule applies shall make and keep, or cause to be made and kept, for a period of at least twelve months after work is performed by an employee, a record of the name, address, wage rate, vacations with pay or payment in lieu of vacations, hours worked and actual earnings of the employee and such other information as the regulations require.

Inspection of records

(2) The employer shall,

(*a*) produce the record for inspection by any person authorized by the Director, and shall for this purpose provide access to his premises for such person at all reasonable times and at any time his employees are engaged in their work; and

(*b*) furnish such information from the record at such time and place as the Director requires.

Notice to furnish information

(3) No employer is required to furnish information under clause *b* of subsection 2 unless the Director sends a notice to the employer requiring him to furnish the

Subsection 6. The subsection repealed authorizes the Minister to amend schedules for the purpose of filing and publishing under *The Regulations Act*. The subsection is unnecessary in view of the provision for amending contained in section 6 of the Bill.

SECTION 6. The amendment empowers an officer convening a conference to conduct post-conference investigations and to recommend variations in the schedule to the Minister, and empowers the Minister to approve the schedule with such of those recommendations as the Minister considers desirable.

SECTION 7. The provisions for keeping and inspecting records pertaining to hours, wages and vacations of employees are strengthened.

information within the time specified in the notice, and the information furnished shall be verified by a statutory declaration made by the employer or, where the employer is a corporation, by an officer thereof.

(4) Any person who inspects a record under subsection 2 may take extracts from or make copies of any entry in the record. Extracts from records

(5) An employer shall not make, keep or furnish, or cause to be made, kept or furnished, false or misleading entries on any records that he is required to make, keep or furnish by this Act or the regulations and shall not supply or cause to be supplied false or misleading information to the Director or any person acting under his authority. False or misleading information

11*a*. Any extract, copy or information furnished by an employer under section 11 is admissible in evidence as *prima facie* proof of the contents of the record and has the same force and effect as the original record would have if produced. Admissibility of extracts furnished by employer

11*b*.—(1) A certificate of the Director certifying, Admissibility of Director's certificate

(*a*) that a notice was sent in accordance with subsection 3 of section 11 is admissible in evidence as *prima facie* proof that the notice was sent to and received by the employer to whom it was addressed; or

(*b*) that the information required under subsection 3 of section 11 has not been furnished is admissible in evidence as *prima facie* proof that the information required has not been furnished.

(2) A certificate signed or purporting to be signed by the Director is admissible in evidence as *prima facie* proof of the facts stated therein and of the authority of the Director to make the certificate without proof of appointment or signature. Idem

11*c*. The sending of a notice or document to any person for the purposes of this Act or the regulations or any schedule shall be effected, Method of serving or sending

(*a*) by serving it personally on such person;

(*b*) by leaving it at the place of his last known or usual residence or, alternatively in the case of an employer, by leaving it at the office or business premises of the employer; or

(*c*) by mailing it by prepaid first-class mail addressed to the person at his last known or usual residence or, alternatively in the case of an employer, addressed to the office or business premises of the employer without naming him in the address,

and the leaving or mailing shall be deemed conclusively to be good and sufficient sending on the date of the leaving or mailing.

R.S.O. 1960, c. 186, s. 13, subs. 1, amended

8.—(1) Subsection 1 of section 13 of *The Industrial Standards Act* is amended by inserting after "schedule" in the eighth line "notwithstanding that one or more members are employers or employees in the industry or zone to which the schedule applies", so that the subsection shall read as follows:

Advisory committee

(1) For every zone or group of zones to which a schedule applies, the Minister may establish an advisory committee of not more than five members, one of whom shall be designated as chairman, and the committee may hear complaints of employers and employees to whom such schedule applies and may generally assist in carrying out this Act and the regulations and have jurisdiction and authority to do anything that it is authorized to do by such schedule, notwithstanding that one or more members are employers or employees in the industry or zone to which the schedule applies, and shall be deemed to be a corporation for the purpose of collecting any money that it is authorized to collect or paying any money that it is authorized to pay.

R.S.O. 1960, c. 186, s. 13, subs. 2, re-enacted

(2) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Quorum

(2) Three members of an advisory committee constitute a quorum.

Expenses

(3) The expenses of the members of an advisory committee properly incurred in carrying out their duties may be paid out of the moneys appropriated therefor by the Legislature.

Issuance of overtime permits

(4) Where a schedule authorizes an advisory committee to issue permits for overtime work, the permits may be issued by such person or persons as the committee designates.

SECTION 8—Subsection 1. The amendment ensures that an employer in an industry can be a member of the advisory committee for the same industry.

Subsection 2. Self-explanatory.

SECTION 9. The penalties for a breach of a schedule are increased, and procedure is provided for enforcing orders for payment of wages. The penalties for breaches of the Act are increased. Protection is provided for an employee who co-operates in an investigation under the Act. The power to exempt industries from the application of the Act by regulation is removed but the exemption of the mining and agricultural industries is retained.

(5) An employer or employee aggrieved by a decision of an advisory committee has a right of appeal from the decision to the Director, and the Director has jurisdiction to hear and determine the appeal, and his decision is final. Appeal from decision of advisory committee

9. Sections 14, 15, 16 and 17 of *The Industrial Standards Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 186, ss. 14-17, re-enacted

14.—(1) Every employer who contravenes a schedule that is applicable to him or who permits or condones work in contravention thereof is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than $50 and not more than $200 and, in default of payment, to imprisonment for a term of not more than two months, and, for any subsequent offence, to a fine of not less than $100 and not more than $1,000 and, in default of payment, to imprisonment for a term of not more than six months, and, where the conviction is for failing to pay the minimum rate of wages prescribed by the schedule, shall be ordered to pay to the Director, as an additional penalty, the full amount of the wages found to be unpaid to any employee under the schedule, and the Director, in his discretion, may direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto. Offence

(2) A copy of an order for payment of wages made under subsection 1 that has become final, certified as a true copy by the magistrate who made it, may be filed by the Director with the clerk of the county or district court of a county or district in which the employer carries on business or, where the amount ordered to be paid does not exceed $400, with the clerk of a like division court, and, when so filed and upon payment of the fees of the clerk of the court, such order becomes an order of the court in which it is filed and may be enforced as a judgment of the court against the employer for the amount mentioned in the order and the fees so paid. Enforcement of order to pay wages

(3) Every employee who contravenes a provision of a schedule is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $100 and, in default of payment, to imprisonment for a term of not more than ten days. Offence

(4) No prosecution shall be instituted under this Act without the consent of the Director, and the production Consent to prosecution

of a consent purporting to be signed by the Director is admissible in evidence as *prima facie* proof of his consent.

Offence

15. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction, where no penalty has been specifically provided, is liable, for a first offence, to a fine of not less than $50 and not more than $200 and, in default of payment, to imprisonment for a term of not more than thirty days, and, for any subsequent offence, to a fine of not less than $100 and not more than $1,000 and, in default of payment, to imprisonment for a term of not more than six months.

Intimidation

16.—(1) No employer may discharge or threaten to discharge or in any way discriminate against an employee because the employee,

(*a*) has testified or is about to testify in any proceeding or investigation had or taken under this Act; or

(*b*) has given any information to the Director or to any person authorized by the Director regarding earnings, hours, days or conditions of labour of employees in an industry.

Reinstatement

(2) In addition to the penalty prescribed for a breach of subsection 1, the magistrate, in his discretion, may order the employer to reinstate the employee with or without the payment of compensation by the employer for loss of earnings and other employment benefits.

Enforcement of order for reinstatement

(3) Where an order is made under subsection 2, the employee in respect of whom the order is made may file a copy of the order, certified by the magistrate, in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment of the Supreme Court and is enforceable as such, but the part of the order requiring payment of compensation is not enforceable until the order has become final.

Appeal not to operate as stay

(4) Where an order made under subsection 2 requires an employer to reinstate an employee in employment and the employer appeals from the order, the appeal shall not operate as a stay of execution of the part of the order requiring the reinstatement.

17.—(1) Subject to subsection 2, *The Hours of Work and Vacations with Pay Act*, *The Industrial Safety Act*, *1964*, *The Minimum Wage Act* and sections 379*a*, 379*b* and 379*c* of *The Municipal Act* shall be read and construed subject to this Act and any schedule or regulation made thereunder. Application of other Acts R.S.O. 1960, c. 181 1964, c. ... R.S.O. 1960, cc. 240, 249

(2) Where a schedule under this Act prescribes rates of wages, vacations with pay or hours of labour that are different from those prescribed by or under any Act referred to in subsection 1, the greater rate of wages and vacations with pay and the lesser hours of labour shall prevail. Rates of wages

(3) The rates of wages for apprentices to whom *The Apprenticeship and Tradesmen's Qualification Act*, *1964* applies shall be the rates provided under that Act and the regulations thereunder. Apprentices 1964, c. ...

17*a*. No schedule shall apply to the mining industry or to the agricultural industry. Where schedules not to apply

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

11. This Act may be cited as *The Industrial Standards Amendment Act*, *1964*. Short title

BILL 5

An Act to amend
The Industrial Standards Act

1st Reading

January 20th, 1964

2nd Reading

3rd Reading

MR. ROWNTREE

1964

BILL 5

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Industrial Standards Act

MR. ROWNTREE

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

TORONTO
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Explanatory Notes

This Bill includes provisions to implement certain of the recommendations of Professor Bora Laskin, Q.C., appointed by the Minister of Labour to review the scope and operation of *The Industrial Standards Act.*

Section 1. Certain definitions are amended for clarification.

Section 2. The administration of the Act is removed from the Industry and Labour Board and put under an official of the Department called the Director of Labour Standards. At present the zones are designated by the Minister and may be altered by a conference. The amendment authorizes the Minister to alter a designated zone.

BILL 5 **1964**

An Act to amend The Industrial Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *b* of section 1 of *The Industrial Standards Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 1, cls. *a*, *b*, re-enacted

(*a*) "Director" means the Director of Labour Standards;

(*b*) "employee" means a person who is in receipt of or entitled to wages.

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 1, cl. *g*, re-enacted

(*g*) "wages" includes any form of remuneration for labour performed and, without restricting the generality of the foregoing, includes payment at an hourly, daily, weekly or monthly rate or at a piece-work or unit-price rate on an incentive or production basis.

2. Section 4 of *The Industrial Standards Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 4, re-enacted

4. A Director of Labour Standards shall be appointed for the purposes of this Act, and the Minister may designate an officer of the Department of Labour as Administrator of Industrial Standards who may perform the duties and exercise the powers of the Director under his direction. Director of Labour Standards and Administrator of Industrial Standards

4*a*.—(1) The Minister may designate the whole of Ontario, or any part or parts thereof, as a zone or zones for an industry for the purposes of this Act and may enlarge, reduce or divide any designated zone. Designation of zones

Interprovincially competitive industries

(2) Notwithstanding subsection 1, a zone for an industry that is designated as an interprovincially competitive industry under clause *e* of section 5 shall be the whole of Ontario, and any schedule for the industry may provide for different wages and hours and days of labour for different areas in the zone.

Designation of industries

4*b*. The Minister may designate an industry for the purposes of this Act and may amend any designation, and, where the designated industry is not enlarged by the amendment, any schedule applying to the industry, when the amendment was made, applies to the amended designation.

R.S.O. 1960, c. 186, s. 5, amended

3.—(1) Section 5 of *The Industrial Standards Act* is amended by striking out "Board" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 186, s. 5, cl. *c*, re-enacted

(2) Clause *c* of the said section 5 is repealed and the following substituted therefor:

(*c*) subject to subsection 2 and subject to the approval of the Lieutenant Governor in Council, and with the concurrence of the proper advisory committee, to amend any schedule, after giving notice of the terms of the proposed amendment by publication thereof at least once in each of two consecutive weeks in a newspaper having general circulation in the zone in which the schedule is in force.

R.S.O. 1960, c. 186, s. 5, cl. *d*, amended

(3) Clause *d* of the said section 5 is amended by striking out "Board" in the first line and inserting in lieu thereof "Director" and by striking out "its" in the third line and inserting in lieu thereof "his", so that the clause shall read as follows:

(*d*) to require any employer to pay to the Director the arrears of wages owing to an employee or employees according to any schedule and in his discretion to direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto.

R.S.O. 1960, c. 186, s. 5, cl. *e*, subcl. ii, amended

(4) Subclause ii of clause *e* of the said section 5 is amended by striking out "Board" in the fourth line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 185, s. 5, amended

(5) The said section 5 is further amended by adding thereto the following subsection:

Publication of amendment to schedule applying to whole of Ontario

(2) Where a schedule applies to a zone that is the whole of Ontario, publication of the terms of the proposed

SECTION 3—Subsections 1, 3 and 4. Complementary to section 2.

Subsections 2 and 5. Notice is required to be published of proposed amendments to schedules.

SECTION 4. Notice of the convening of a conference is required to be published. The proposals of a conference are required to be submitted to the Minister through the officer convening the conference in keeping with the existing practice.

SECTION 5—Subsection 1. Complementary to section 4.

Subsection 2. A schedule may provide for vacations and payment for days not worked.

Subsection 3. The clause added broadens the authority to define the industries that may come under a schedule.

Subsections 4 and 5. Complementary to section 2.

amendment in at least five newspapers designated by the Minister is sufficient notice for the purposes of clause *c* of subsection 1.

4.—(1) Section 6 of *The Industrial Standards Act* is amended by adding at the end thereof "and, subject to subsection 3, notice of the conference shall be given by publication thereof at least once in each of two consecutive weeks in a newspaper having general circulation in the zone for which the conference is to be held". R.S.O. 1960 c. 186, s. 6 amended

(2) The said section 6 is further amended by adding thereto the following subsections: R.S.O. 1960 c. 186, s. 6, amended

(2) The conference may submit to the Minister, through the officer who convenes the conference, a schedule in accordance with subsection 1 of section 7. Submission of schedule

(3) Where the zone referred to in subsection 1 is the whole of Ontario, notice of the conference shall be given by publication thereof at least once in each of two consecutive weeks in at least five newspapers as determined by the Minister. Notice of conference where zone is whole of Ontario

5.—(1) Subsection 1 of section 7 of *The Industrial Standards Act* is amended by striking out "The conference may submit to the Minister in writing a schedule of wages and hours and days of labour for the industry affected and the schedule may" in the first, second and third lines and inserting in lieu thereof "A schedule may". R.S.O. 1960 c. 186, s. 7, subs. 1, amended

(2) Subsection 1 of the said section 7 is further amended by adding thereto the following clause: R.S.O. 1960, c. 186, s. 7, subs. 1, amended

(*ea*) establish vacations with pay or payment in lieu thereof and payment for any day that may be designated as a holiday in the schedule.

(3) Clause *h* of subsection 1 of the said section 7 is repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 7, subs. 1, cl. *h*, re-enacted

(*h*) specify the particular operations that are included in the industry and prescribe the conditions under which the operations are included.

(4) Clause *j* of subsection 1 of the said section 7 is amended by striking out "Board" in the fourth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 186, s. 7, subs. 1, cl. *j*, amended

(5) Clause *l* of subsection 1 of the said section 7 is amended by striking out "Board" in the first line and inserting in lieu thereof "Director". R.S.O. 1960 c. 186, s. 7, subs. 1, cl. *l*, amended

R.S.O. 1960, c. 186, s. 7, subs. 3, repealed

(6) Subsection 3 of the said section 7 is repealed.

R.S.O. 1960, c. 186, s. 8, re-enacted

6. Section 8 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Investigation of conditions and practices

8.—(1) The Minister may direct the officer who convenes a conference to conduct further investigations into the conditions of labour and the practices prevailing in the industry, and the officer may recommend variations in the schedule proposed by the conference.

Approval of schedule by Minister

(2) If, in the opinion of the Minister, the schedule submitted by the conference is agreed to by a proper and sufficient representation of employers and employees, the Minister may approve the schedule submitted by the conference with such variations recommended by the officer convening the conference as the Minister considers desirable.

Declaring schedule in force

(3) Upon the recommendation of the Minister, the Lieutenant Governor in Council may declare the schedule to be in force during pleasure and to be binding upon all employers and employees in a designated industry and zone.

R.S.O. 1960, c. 186, s. 11, re-enacted

7. Section 11 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Records to be kept by employer

11.—(1) An employer to whom a schedule applies shall make and keep, or cause to be made and kept, for a period of at least twelve months after work is performed by an employee, a record of the name, address, wage rate, vacations with pay or payment in lieu of vacations, hours worked and actual earnings of the employee and such other information as the regulations require.

Inspection of records

(2) The employer shall,

(*a*) produce the record for inspection by any person authorized by the Director, and shall for this purpose provide access to his premises for such person at all reasonable times and at any time his employees are engaged in their work; and

(*b*) furnish such information from the record at such time and place as the Director requires.

Notice to furnish information

(3) No employer is required to furnish information under clause *b* of subsection 2 unless the Director sends a notice to the employer requiring him to furnish the

Subsection 6. The subsection repealed authorizes the Minister to amend schedules for the purpose of filing and publishing under *The Regulations Act*. The subsection is unnecessary in view of the provision for amending contained in section 6 of the Bill.

SECTION 6. The amendment empowers an officer convening a conference to conduct post-conference investigations and to recommend variations in the schedule to the Minister, and empowers the Minister to approve the schedule with such of those recommendations as the Minister considers desirable.

SECTION 7. The provisions for keeping and inspecting records pertaining to hours, wages and vacations of employees are strengthened.

information within the time specified in the notice, and the information furnished shall be verified by a statutory declaration made by the employer or, where the employer is a corporation, by an officer thereof.

(4) Any person who inspects a record under subsection 2 may take extracts from or make copies of any entry in the record. Extracts from records

(5) An employer shall not make, keep or furnish, or cause to be made, kept or furnished, false or misleading entries on any records that he is required to make, keep or furnish by this Act or the regulations and shall not supply or cause to be supplied false or misleading information to the Director or any person acting under his authority. False or misleading information

11*a*. Any extract, copy or information furnished by an employer under section 11 is admissible in evidence as *prima facie* proof of the contents of the record and has the same force and effect as the original record would have if produced. Admissibility of extracts furnished by employer

11*b*.—(1) A certificate of the Director certifying, Admissibility of Director's certificate

(*a*) that a notice was sent in accordance with subsection 3 of section 11 is admissible in evidence as *prima facie* proof that the notice was sent to and received by the employer to whom it was addressed; or

(*b*) that the information required under subsection 3 of section 11 has not been furnished is admissible in evidence as *prima facie* proof that the information required has not been furnished.

(2) A certificate signed or purporting to be signed by the Director is admissible in evidence as *prima facie* proof of the facts stated therein and of the authority of the Director to make the certificate without proof of appointment or signature. Idem

11*c*. The sending of a notice or document to any person for the purposes of this Act or the regulations or any schedule shall be effected, Method of serving or sending

(*a*) by serving it personally on such person;

(*b*) by leaving it at the place of his last known or usual residence or, alternatively in the case of an employer, by leaving it at the office or business premises of the employer; or

(*c*) by mailing it by prepaid first-class mail addressed to the person at his last known or usual residence or, alternatively in the case of an employer, addressed to the office or business premises of the employer without naming him in the address,

and the leaving or mailing shall be deemed conclusively to be good and sufficient sending on the date of the leaving or mailing.

R.S.O. 1960, c. 186, s. 13, subs. 1, amended

8.—(1) Subsection 1 of section 13 of *The Industrial Standards Act* is amended by inserting after "schedule" in the eighth line "notwithstanding that one or more members are employers or employees in the industry or zone to which the schedule applies", so that the subsection shall read as follows:

Advisory committee

(1) For every zone or group of zones to which a schedule applies, the Minister may establish an advisory committee of not more than five members, one of whom shall be designated as chairman, and the committee may hear complaints of employers and employees to whom such schedule applies and may generally assist in carrying out this Act and the regulations and have jurisdiction and authority to do anything that it is authorized to do by such schedule, notwithstanding that one or more members are employers or employees in the industry or zone to which the schedule applies, and shall be deemed to be a corporation for the purpose of collecting any money that it is authorized to collect or paying any money that it is authorized to pay.

R.S.O. 1960, c. 186, s. 13, subs. 2, re-enacted

(2) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Quorum

(2) Three members of an advisory committee constitute a quorum whether or not a vacancy exists in the membership of the committee.

Expenses

(3) The expenses of the members of an advisory committee properly incurred in carrying out their duties may be paid out of the moneys appropriated therefor by the Legislature.

Issuance of overtime permits

(4) Where a schedule authorizes an advisory committee to issue permits for overtime work, the permits may be issued by such person or persons as the committee designates.

SECTION 8—Subsection 1. The amendment ensures that an employer in an industry can be a member of the advisory committee for the same industry.

Subsection 2. Self-explanatory.

SECTION 9. The penalties for a breach of a schedule are increased, and procedure is provided for enforcing orders for payment of wages. The penalties for breaches of the Act are increased. Protection is provided for an employee who co-operates in an investigation under the Act. The power to exempt industries from the application of the Act by regulation is removed but the exemption of the mining and agricultural industries is retained.

(5) An employer or employee aggrieved by a decision of an advisory committee has a right of appeal from the decision to the Director, and the Director has jurisdiction to hear and determine the appeal, and his decision is final. Appeal from decision of advisory committee

9. Sections 14, 15, 16 and 17 of *The Industrial Standards Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 186, ss. 14-17, re-enacted

14.—(1) Every employer who contravenes a schedule that is applicable to him or who permits or condones work in contravention thereof is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than $50 and not more than $200 and, in default of payment, to imprisonment for a term of not more than two months, and, for any subsequent offence, to a fine of not less than $100 and not more than $1,000 and, in default of payment, to imprisonment for a term of not more than six months, and, where the conviction is for failing to pay the minimum rate of wages prescribed by the schedule, shall be ordered to pay to the Director, as an additional penalty, the full amount of the wages found to be unpaid to any employee under the schedule, and the Director, in his discretion, may direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto. Offence

(2) A copy of an order for payment of wages made under subsection 1 that has become final, certified as a true copy by the magistrate who made it, may be filed by the Director with the clerk of the county or district court of a county or district in which the employer carries on business or, where the amount ordered to be paid does not exceed $400, with the clerk of a like division court, and, when so filed and upon payment of the fees of the clerk of the court, such order becomes an order of the court in which it is filed and may be enforced as a judgment of the court against the employer for the amount mentioned in the order and the fees so paid. Enforcement of order to pay wages

(3) Every employee who contravenes a provision of a schedule is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $100 and, in default of payment, to imprisonment for a term of not more than ten days. Offence

(4) No prosecution shall be instituted under this Act without the consent of the Director, and the production Consent to prosecution

of a consent purporting to be signed by the Director is admissible in evidence as *prima facie* proof of his consent.

Offence

15. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction, where no penalty has been specifically provided, is liable, for a first offence, to a fine of not less than $50 and not more than $200 and, in default of payment, to imprisonment for a term of not more than thirty days, and, for any subsequent offence, to a fine of not less than $100 and not more than $1,000 and, in default of payment, to imprisonment for a term of not more than six months.

Intimidation

16.—(1) No employer may discharge or threaten to discharge or in any way discriminate against an employee because the employee,

(*a*) has testified or is about to testify in any proceeding or investigation had or taken under this Act; or

(*b*) has given any information to the Director or to any person authorized by the Director regarding earnings, hours, days or conditions of labour of employees in an industry.

Reinstatement

(2) In addition to the penalty prescribed for a breach of subsection 1, the magistrate, in his discretion, may order the employer to reinstate the employee with or without the payment of compensation by the employer for loss of earnings and other employment benefits.

Enforcement of order for reinstatement

(3) Where an order is made under subsection 2, the employee in respect of whom the order is made may file a copy of the order, certified by the magistrate, in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment of the Supreme Court and is enforceable as such, but the part of the order requiring payment of compensation is not enforceable until the order has become final.

Appeal not to operate as stay

(4) Where an order made under subsection 2 requires an employer to reinstate an employee in employment and the employer appeals from the order, the appeal shall not operate as a stay of execution of the part of the order requiring the reinstatement.

17.—(1) Subject to subsection 2, *The Hours of Work and Vacations with Pay Act*, *The Industrial Safety Act*, *1964*, *The Minimum Wage Act*, sections 379*a*, 379*b* and 379*c* of *The Municipal Act* and *The Woodmen's Employment Act* shall be read and construed as being subject to this Act and any schedule or regulation made thereunder. Application of other Acts R.S.O. 1960, c. 181 1964, c. ... R.S.O. 1960, cc. 240, 249, 435

(2) Where a schedule under this Act prescribes rates of wages, vacations with pay or hours of labour that are different from those prescribed by or under any Act referred to in subsection 1, the greater rate of wages and vacations with pay and the lesser hours of labour shall prevail. Rates of wages

(3) The rates of wages for apprentices to whom *The Apprenticeship and Tradesmen's Qualification Act*, *1964* applies shall be the rates provided under that Act and the regulations thereunder. Apprentices 1964, c. ...

17*a*. No schedule shall apply to the mining industry or to the agricultural industry. Where schedules not to apply

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

11. This Act may be cited as *The Industrial Standards Amendment Act*, *1964*. Short title

BILL 5

An Act to amend The Industrial Standards Act

1st Reading

January 20th, 1964

2nd Reading

January 28th, 1964

3rd Reading

MR. ROWNTREE

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

1964

BILL 5

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Industrial Standards Act

MR. ROWNTREE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 5 **1964**

An Act to amend The Industrial Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *b* of section 1 of *The Industrial Standards Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 1, cls. *a*, *b*, re-enacted

(*a*) "Director" means the Director of Labour Standards;

(*b*) "employee" means a person who is in receipt of or entitled to wages.

(2) Clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 1, cl. *g*, re-enacted

(*g*) "wages" includes any form of remuneration for labour performed and, without restricting the generality of the foregoing, includes payment at an hourly, daily, weekly or monthly rate or at a piece-work or unit-price rate on an incentive or production basis.

2. Section 4 of *The Industrial Standards Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 4, re-enacted

4. A Director of Labour Standards shall be appointed for the purposes of this Act, and the Minister may designate an officer of the Department of Labour as Administrator of Industrial Standards who may perform the duties and exercise the powers of the Director under his direction. Director of Labour Standards and Administrator of Industrial Standards

4*a*.—(1) The Minister may designate the whole of Ontario, or any part or parts thereof, as a zone or zones for an industry for the purposes of this Act and may enlarge, reduce or divide any designated zone. Designation of zones

Interprovincially competitive industries

(2) Notwithstanding subsection 1, a zone for an industry that is designated as an interprovincially competitive industry under clause *e* of section 5 shall be the whole of Ontario, and any schedule for the industry may provide for different wages and hours and days of labour for different areas in the zone.

Designation of industries

4*b*. The Minister may designate an industry for the purposes of this Act and may amend any designation, and, where the designated industry is not enlarged by the amendment, any schedule applying to the industry, when the amendment was made, applies to the amended designation.

R.S.O. 1960, c. 186, s. 5, amended

3.—(1) Section 5 of *The Industrial Standards Act* is amended by striking out "Board" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 186, s. 5, cl. *c*, re-enacted

(2) Clause *c* of the said section 5 is repealed and the following substituted therefor:

(*c*) subject to subsection 2 and subject to the approval of the Lieutenant Governor in Council, and with the concurrence of the proper advisory committee, to amend any schedule, after giving notice of the terms of the proposed amendment by publication thereof at least once in each of two consecutive weeks in a newspaper having general circulation in the zone in which the schedule is in force.

R.S.O. 1960, c. 186, s. 5, cl. *d*, amended

(3) Clause *d* of the said section 5 is amended by striking out "Board" in the first line and inserting in lieu thereof "Director" and by striking out "its" in the third line and inserting in lieu thereof "his", so that the clause shall read as follows:

(*d*) to require any employer to pay to the Director the arrears of wages owing to an employee or employees according to any schedule and in his discretion to direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto.

R.S.O. 1960, c. 186, s. 5, cl. *e*, subcl. ii, amended

(4) Subclause ii of clause *e* of the said section 5 is amended by striking out "Board" in the fourth line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 185, s. 5, amended

(5) The said section 5 is further amended by adding thereto the following subsection:

Publication of amendment to schedule applying to whole of Ontario

(2) Where a schedule applies to a zone that is the whole of Ontario, publication of the terms of the proposed

amendment in at least five newspapers designated by the Minister is sufficient notice for the purposes of clause *c* of subsection 1.

4.—(1) Section 6 of *The Industrial Standards Act* is amended by adding at the end thereof "and, subject to subsection 3, notice of the conference shall be given by publication thereof at least once in each of two consecutive weeks in a newspaper having general circulation in the zone for which the conference is to be held". R.S.O. 1960, c. 186, s. 6, amended

(2) The said section 6 is further amended by adding thereto the following subsections: R.S.O. 1960, c. 186, s. 6, amended

(2) The conference may submit to the Minister, through the officer who convenes the conference, a schedule in accordance with subsection 1 of section 7. Submission of schedule

(3) Where the zone referred to in subsection 1 is the whole of Ontario, notice of the conference shall be given by publication thereof at least once in each of two consecutive weeks in at least five newspapers as determined by the Minister. Notice of conference where zone is whole of Ontario

5.—(1) Subsection 1 of section 7 of *The Industrial Standards Act* is amended by striking out "The conference may submit to the Minister in writing a schedule of wages and hours and days of labour for the industry affected and the schedule may" in the first, second and third lines and inserting in lieu thereof "A schedule may". R.S.O. 1960, c. 186, s. 7, subs. 1, amended

(2) Subsection 1 of the said section 7 is further amended by adding thereto the following clause: R.S.O. 1960, c. 186, s. 7, subs. 1, amended

(*ea*) establish vacations with pay or payment in lieu thereof and payment for any day that may be designated as a holiday in the schedule.

(3) Clause *h* of subsection 1 of the said section 7 is repealed and the following substituted therefor: R.S.O. 1960, c. 186, s. 7, subs. 1, cl. *h*, re-enacted

(*h*) specify the particular operations that are included in the industry and prescribe the conditions under which the operations are included.

(4) Clause *j* of subsection 1 of the said section 7 is amended by striking out "Board" in the fourth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 186, s. 7, subs. 1, cl. *j*, amended

(5) Clause *l* of subsection 1 of the said section 7 is amended by striking out "Board" in the first line and inserting in lieu thereof "Director". R.S.O. 1960, c. 186, s. 7, subs. 1, cl. *l*, amended

R.S.O. 1960, c. 186, s. 7, subs. 3, repealed

(6) Subsection 3 of the said section 7 is repealed.

R.S.O. 1960, c. 186, s. 8, re-enacted

6. Section 8 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Investigation of conditions and practices

8.—(1) The Minister may direct the officer who convenes a conference to conduct further investigations into the conditions of labour and the practices prevailing in the industry, and the officer may recommend variations in the schedule proposed by the conference.

Approval of schedule by Minister

(2) If, in the opinion of the Minister, the schedule submitted by the conference is agreed to by a proper and sufficient representation of employers and employees, the Minister may approve the schedule submitted by the conference with such variations recommended by the officer convening the conference as the Minister considers desirable.

Declaring schedule in force

(3) Upon the recommendation of the Minister, the Lieutenant Governor in Council may declare the schedule to be in force during pleasure and to be binding upon all employers and employees in a designated industry and zone.

R.S.O. 1960, c. 186, s. 11, re-enacted

7. Section 11 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Records to be kept by employer

11.—(1) An employer to whom a schedule applies shall make and keep, or cause to be made and kept, for a period of at least twelve months after work is performed by an employee, a record of the name, address, wage rate, vacations with pay or payment in lieu of vacations, hours worked and actual earnings of the employee and such other information as the regulations require.

Inspection of records

(2) The employer shall,

(*a*) produce the record for inspection by any person authorized by the Director, and shall for this purpose provide access to his premises for such person at all reasonable times and at any time his employees are engaged in their work; and

(*b*) furnish such information from the record at such time and place as the Director requires.

Notice to furnish information

(3) No employer is required to furnish information under clause *b* of subsection 2 unless the Director sends a notice to the employer requiring him to furnish the

information within the time specified in the notice, and the information furnished shall be verified by a statutory declaration made by the employer or, where the employer is a corporation, by an officer thereof.

(4) Any person who inspects a record under subsection 2 may take extracts from or make copies of any entry in the record. Extracts from records

(5) An employer shall not make, keep or furnish, or cause to be made, kept or furnished, false or misleading entries on any records that he is required to make, keep or furnish by this Act or the regulations and shall not supply or cause to be supplied false or misleading information to the Director or any person acting under his authority. False or misleading information

11*a*. Any extract, copy or information furnished by an employer under section 11 is admissible in evidence as *prima facie* proof of the contents of the record and has the same force and effect as the original record would have if produced. Admissibility of extracts furnished by employer

11*b*.—(1) A certificate of the Director certifying, Admissibility of Director's certificate

(*a*) that a notice was sent in accordance with subsection 3 of section 11 is admissible in evidence as *prima facie* proof that the notice was sent to and received by the employer to whom it was addressed; or

(*b*) that the information required under subsection 3 of section 11 has not been furnished is admissible in evidence as *prima facie* proof that the information required has not been furnished.

(2) A certificate signed or purporting to be signed by the Director is admissible in evidence as *prima facie* proof of the facts stated therein and of the authority of the Director to make the certificate without proof of appointment or signature. Idem

11*c*. The sending of a notice or document to any person for the purposes of this Act or the regulations or any schedule shall be effected, Method of serving or sending

(*a*) by serving it personally on such person;

(*b*) by leaving it at the place of his last known or usual residence or, alternatively in the case of an employer, by leaving it at the office or business premises of the employer; or

(*c*) by mailing it by prepaid first-class mail addressed to the person at his last known or usual residence or, alternatively in the case of an employer, addressed to the office or business premises of the employer without naming him in the address,

and the leaving or mailing shall be deemed conclusively to be good and sufficient sending on the date of the leaving or mailing.

R.S.O. 1960, c. 186, s. 13, subs. 1, amended

8.—(1) Subsection 1 of section 13 of *The Industrial Standards Act* is amended by inserting after "schedule" in the eighth line "notwithstanding that one or more members are employers or employees in the industry or zone to which the schedule applies", so that the subsection shall read as follows:

Advisory committee

(1) For every zone or group of zones to which a schedule applies, the Minister may establish an advisory committee of not more than five members, one of whom shall be designated as chairman, and the committee may hear complaints of employers and employees to whom such schedule applies and may generally assist in carrying out this Act and the regulations and have jurisdiction and authority to do anything that it is authorized to do by such schedule, notwithstanding that one or more members are employers or employees in the industry or zone to which the schedule applies, and shall be deemed to be a corporation for the purpose of collecting any money that it is authorized to collect or paying any money that it is authorized to pay.

R.S.O. 1960, c. 186, s. 13, subs. 2, re-enacted

(2) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Quorum

(2) Three members of an advisory committee constitute a quorum whether or not a vacancy exists in the membership of the committee.

Expenses

(3) The expenses of the members of an advisory committee properly incurred in carrying out their duties may be paid out of the moneys appropriated therefor by the Legislature.

Issuance of overtime permits

(4) Where a schedule authorizes an advisory committee to issue permits for overtime work, the permits may be issued by such person or persons as the committee designates.

(5) An employer or employee aggrieved by a decision of an advisory committee has a right of appeal from the decision to the Director, and the Director has jurisdiction to hear and determine the appeal, and his decision is final. Appeal from decision of advisory committee

9. Sections 14, 15, 16 and 17 of *The Industrial Standards Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 186, ss. 14-17, re-enacted

14.—(1) Every employer who contravenes a schedule that is applicable to him or who permits or condones work in contravention thereof is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than $50 and not more than $200 and, in default of payment, to imprisonment for a term of not more than two months, and, for any subsequent offence, to a fine of not less than $100 and not more than $1,000 and, in default of payment, to imprisonment for a term of not more than six months, and, where the conviction is for failing to pay the minimum rate of wages prescribed by the schedule, shall be ordered to pay to the Director, as an additional penalty, the full amount of the wages found to be unpaid to any employee under the schedule, and the Director, in his discretion, may direct that the whole or a part of such wages be either forfeited to the Crown or paid to the employee or employees entitled thereto. Offence

(2) A copy of an order for payment of wages made under subsection 1 that has become final, certified as a true copy by the magistrate who made it, may be filed by the Director with the clerk of the county or district court of a county or district in which the employer carries on business or, where the amount ordered to be paid does not exceed $400, with the clerk of a like division court, and, when so filed and upon payment of the fees of the clerk of the court, such order becomes an order of the court in which it is filed and may be enforced as a judgment of the court against the employer for the amount mentioned in the order and the fees so paid. Enforcement of order to pay wages

(3) Every employee who contravenes a provision of a schedule is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $100 and, in default of payment, to imprisonment for a term of not more than ten days. Offence

(4) No prosecution shall be instituted under this Act without the consent of the Director, and the production Consent to prosecution

of a consent purporting to be signed by the Director is admissible in evidence as *prima facie* proof of his consent.

Offence

15. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction, where no penalty has been specifically provided, is liable, for a first offence, to a fine of not less than $50 and not more than $200 and, in default of payment, to imprisonment for a term of not more than thirty days, and, for any subsequent offence, to a fine of not less than $100 and not more than $1,000 and, in default of payment, to imprisonment for a term of not more than six months.

Intimidation

16.—(1) No employer may discharge or threaten to discharge or in any way discriminate against an employee because the employee,

(*a*) has testified or is about to testify in any proceeding or investigation had or taken under this Act; or

(*b*) has given any information to the Director or to any person authorized by the Director regarding earnings, hours, days or conditions of labour of employees in an industry.

Reinstatement

(2) In addition to the penalty prescribed for a breach of subsection 1, the magistrate, in his discretion, may order the employer to reinstate the employee with or without the payment of compensation by the employer for loss of earnings and other employment benefits.

Enforcement of order for reinstatement

(3) Where an order is made under subsection 2, the employee in respect of whom the order is made may file a copy of the order, certified by the magistrate, in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment of the Supreme Court and is enforceable as such, but the part of the order requiring payment of compensation is not enforceable until the order has become final.

Appeal not to operate as stay

(4) Where an order made under subsection 2 requires an employer to reinstate an employee in employment and the employer appeals from the order, the appeal shall not operate as a stay of execution of the part of the order requiring the reinstatement.

17.—(1) Subject to subsection 2, *The Hours of Work and Vacations with Pay Act*, *The Industrial Safety Act, 1964*, *The Minimum Wage Act*, sections 379*a*, 379*b* and 379*c* of *The Municipal Act* and *The Woodmen's Employment Act* shall be read and construed as being subject to this Act and any schedule or regulation made thereunder. Application of other Acts R.S.O. 1960, c. 181 1964, c. ... R.S.O. 1960, cc. 240, 249, 435

(2) Where a schedule under this Act prescribes rates of wages, vacations with pay or hours of labour that are different from those prescribed by or under any Act referred to in subsection 1, the greater rate of wages and vacations with pay and the lesser hours of labour shall prevail. Rates of wages

(3) The rates of wages for apprentices to whom *The Apprenticeship and Tradesmen's Qualification Act, 1964* applies shall be the rates provided under that Act and the regulations thereunder. Apprentices 1964, c. ...

17*a*. No schedule shall apply to the mining industry or to the agricultural industry. Where schedules not to apply

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

11. This Act may be cited as *The Industrial Standards Amendment Act, 1964.* Short title

BILL 5

An Act to amend The Industrial Standards Act

1st Reading

January 20th, 1964

2nd Reading

January 28th, 1964

3rd Reading

May 7th, 1964

MR. ROWNTREE

1964

BILL 6

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Hours of Work and Vacations with Pay Act

MR. ROWNTREE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

The provisions of *The Factory, Shop and Office Building Act* governing hours of work for employees under 18 years of age are transferred to *The Hours of Work and Vacations with Pay Act.*

Section 1. Self-explanatory.

Section 2. The time within which work is prohibited is shortened to the period between midnight and 6 a.m. of any day in all cases. Women are permitted to work for more than one employer for a total number of hours exceeding the maximum. Eating periods are required for all employees.

BILL 6 **1964**

An Act to amend The Hours of Work and Vacations with Pay Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 181, s. 1, amended

(*f*) "woman" means a female employee of eighteen or more years of age;

(*g*) "young person" means a person under the age of eighteen years.

2. *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 181, amended

2a.—(1) Subject to subsection 3, no young person or woman shall work between the hours of 12 o'clock midnight and 6 o'clock in the forenoon of any day, reckoned as standard time or daylight saving time, as the case may be, in effect in the municipality in which the work is performed. Young persons and women

(2) No young person shall work and no person shall knowingly permit a young person to work for more than the maximum hours determined by this Act in any day, notwithstanding that the work is performed in more than one industrial undertaking. More than one employment

(3) The Minister of Labour may, where he is satisfied that the health, welfare and safety of young persons or women will not be adversely affected or endangered, grant permission upon such conditions as he determines for their employment during hours other than those prescribed by subsection 1. Exception

Eating periods

2b. Every employer shall provide for eating periods of at least half an hour or such lesser period as is approved by the Board at such times that no employee works longer than five consecutive hours without a lunch period.

R.S.O. 1960, c. 181, s. 4, repealed

3. Section 4 of *The Hours of Work and Vacations with Pay Act* is repealed.

R.S.O. 1960, c. 181, s. 10, cl. *b*, amended

4.—(1) Clause *b* of section 10 of *The Hours of Work and Vacations with Pay Act* is amended by adding at the end thereof "but, in the case of young persons, the maximum excess prescribed shall not be more than six hours in a week", so that the clause shall read as follows:

(*b*) prescribing industrial undertakings and branches thereof in which the working hours prescribed by subsection 1 of section 2 may be exceeded either by specified times or under specified conditions or generally, prescribing, in each case, the maximum of such excess and imposing terms and conditions in connection therewith, but, in the case of young persons, the maximum excess prescribed shall not be more than six hours in a week.

R.S.O. 1960, c. 181, s. 10, amended

(2) The said section 10 is amended by adding thereto the following clause:

(*ba*) prescribing the minimum rate of wages that shall be paid to young persons for hours worked in excess of the hours prescribed by subsection 1 of section 2.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1964.*

SECTION 3. The section repealed authorizes the Industry and Labour Board to order exceptions to the prescribed maximum hours of work. The provision is not used, and any exceptions are made by regulation under clause *b* of section 10 of the Act.

SECTION 4. Overtime authorized by regulation is limited in the case of young persons to not more than six hours a week, and the Industry and Labour Board is authorized to fix minimum rates of wages for overtime worked by young persons.

BILL 6

An Act to amend The Hours of Work and Vacations with Pay Act

1st Reading

January 20th, 1964

2nd Reading

3rd Reading

MR. ROWNTREE

1964

BILL 6

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend
The Hours of Work and Vacations with Pay Act

MR. ROWNTREE

(Reprinted for consideration by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

The provisions of *The Factory, Shop and Office Building Act* governing hours of work for employees under 18 years of age are transferred to *The Hours of Work and Vacations with Pay Act.*

Section 1. Self-explanatory.

Section 2. The time within which work is prohibited is shortened to the period between midnight and 6 a.m. of any day in factories and shops. Women are permitted to work for more than one employer for a total number of hours exceeding the maximum. Eating periods are required for all employees.

BILL 6 **1964**

An Act to amend The Hours of Work and Vacations with Pay Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 181, s. 1, amended

(*f*) "woman" means a female employee of eighteen or more years of age;

(*g*) "young person" means a person under the age of eighteen years.

2. *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 181, amended

2a.—(1) Subject to subsection 3, no young person or woman shall work in a factory or shop, as defined in *The Industrial Safety Act, 1964*, between the hours of 12 o'clock midnight and 6 o'clock in the forenoon of any day, reckoned as standard time or daylight saving time, as the case may be, in effect in the municipality in which the work is performed. Young persons and women 1964, c. . . . .

(2) No young person shall work and no person shall knowingly permit a young person to work for more than the maximum hours determined by this Act in any day, notwithstanding that the work is performed in more than one industrial undertaking. More than one employment

(3) The Minister of Labour may, where he is satisfied that the health, welfare and safety of young persons or women will not be adversely affected or endangered, grant permission upon such conditions as he determines for their employment during the hours prohibited by subsection 1. Exception

Eating periods

2*b*. Every employer shall provide eating periods of at least one-half hour, or such shorter period as is approved by the Board, at such intervals as will result in no employee working longer than five consecutive hours without an eating period, but, where an employer has heretofore established eating periods that are shorter than one-half hour, he may with respect to his employees, other than young persons, continue the established eating periods, unless ordered to do otherwise by the Board.

R.S.O. 1960, c. 181, s. 4, repealed

3. Section 4 of *The Hours of Work and Vacations with Pay Act* is repealed.

R.S.O. 1960, c. 181, s. 10, cl. *b*, amended

4.—(1) Clause *b* of section 10 of *The Hours of Work and Vacations with Pay Act* is amended by adding at the end thereof "but, in the case of young persons, the maximum excess prescribed shall not be more than six hours in a week", so that the clause shall read as follows:

(*b*) prescribing industrial undertakings and branches thereof in which the working hours prescribed by subsection 1 of section 2 may be exceeded either by specified times or under specified conditions or generally, prescribing, in each case, the maximum of such excess and imposing terms and conditions in connection therewith, but, in the case of young persons, the maximum excess prescribed shall not be more than six hours in a week.

R.S.O. 1960, c. 181, s. 10, amended

(2) The said section 10 is amended by adding thereto the following clause:

(*ba*) prescribing the minimum rate of wages that shall be paid to young persons for hours worked in excess of the hours prescribed by subsection 1 of section 2.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1964.*

SECTION 3. The section repealed authorizes the Industry and Labour Board to order exceptions to the prescribed maximum hours of work. The provision is not used, and any exceptions are made by regulation under clause *b* of section 10 of the Act.

SECTION 4. Overtime authorized by regulation is limited in the case of young persons to not more than six hours a week, and the Industry and Labour Board is authorized to fix minimum rates of wages for overtime worked by young persons.

BILL 6

An Act to amend The Hours of Work and Vacations with Pay Act

1st Reading

January 20th, 1964

2nd Reading

February 17th, 1964

3rd Reading

MR. ROWNTREE

(Reprinted for consideration by the Committee of the Whole House)

1964

BILL 6

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Hours of Work and Vacations with Pay Act

MR. ROWNTREE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 6 **1964**

An Act to amend The Hours of Work and Vacations with Pay Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 181, s. 1, amended

(*f*) "woman" means a female employee of eighteen or more years of age;

(*g*) "young person" means a person under the age of eighteen years.

2. *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 181, amended

Young persons and women 1964, c. . . .

2*a*.—(1) Subject to subsection 3, no young person or woman shall work in a factory or shop, as defined in *The Industrial Safety Act, 1964*, between the hours of 12 o'clock midnight and 6 o'clock in the forenoon of any day, reckoned as standard time or daylight saving time, as the case may be, in effect in the municipality in which the work is performed.

More than one employment

(2) No young person shall work and no person shall knowingly permit a young person to work for more than the maximum hours determined by this Act in any day, notwithstanding that the work is performed in more than one industrial undertaking.

Exception

(3) The Minister of Labour may, where he is satisfied that the health, welfare and safety of young persons or women will not be adversely affected or endangered, grant permission upon such conditions as he determines for their employment during the hours prohibited by subsection 1.

Eating periods

2b. Every employer shall provide eating periods of at least one-half hour, or such shorter period as is approved by the Board, at such intervals as will result in no employee working longer than five consecutive hours without an eating period, but, where an employer has heretofore established eating periods that are shorter than one-half hour, he may with respect to his employees, other than young persons, continue the established eating periods, unless ordered to do otherwise by the Board.

R.S.O. 1960, c. 181, s. 4, repealed

3. Section 4 of *The Hours of Work and Vacations with Pay Act* is repealed.

R.S.O. 1960, c. 181, s. 10, cl. *b*, amended

4.—(1) Clause *b* of section 10 of *The Hours of Work and Vacations with Pay Act* is amended by adding at the end thereof "but, in the case of young persons, the maximum excess prescribed shall not be more than six hours in a week", so that the clause shall read as follows:

(*b*) prescribing industrial undertakings and branches thereof in which the working hours prescribed by subsection 1 of section 2 may be exceeded either by specified times or under specified conditions or generally, prescribing, in each case, the maximum of such excess and imposing terms and conditions in connection therewith, but, in the case of young persons, the maximum excess prescribed shall not be more than six hours in a week.

R.S.O. 1960, c. 181, s. 10, amended

(2) The said section 10 is amended by adding thereto the following clause:

(*ba*) prescribing the minimum rate of wages that shall be paid to young persons for hours worked in excess of the hours prescribed by subsection 1 of section 2.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1964.*

BILL 6

An Act to amend The Hours of Work and Vacations with Pay Act

1st Reading

January 20th, 1964

2nd Reading

February 17th, 1964

3rd Reading

March 25th, 1964

MR. ROWNTREE

1964

BILL 7

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend
The Hours of Work and Vacations with Pay Act

MR. GISBORN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to increase the mandatory vacation with pay period from one week a year to two weeks a year during the first four years on the job and to three weeks a year thereafter.

BILL 7 **1964**

An Act to amend The Hours of Work and Vacations with Pay Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2, 3 and 4 of section 2 of *The Hours of Work and Vacations with Pay Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 181, s. 2, subss. 2-4, re-enacted

(2) Every employee in an industrial undertaking is entitled, Vacation with pay

(*a*) after each year of his employment with any one employer, during the first five years of such employment, to a vacation of at least two weeks with pay;

(*b*) after each year of his employment with any one employer, after the first five years of such employment, to a vacation of at least three weeks with pay.

(3) The vacation pay shall be the average wage of the employee during the year immediately preceding the date upon which the vacation commences for the period of the vacation. Calculation of vacation pay

(4) The employer may determine the period when the employee may take the vacation provided for in subsection 1, but the period shall not be later than ten months after the end of the work year to which the vacation relates. When vacation to be taken

(5) Subject to subsection 4, where an employee who is entitled to a vacation of two weeks wishes to take his vacation, Vacation pay, when payable

(*a*) in one period of two weeks, his vacation pay shall be paid to him in full by his employer during the fourteen days immediately preceding the commencement of his vacation; or

(*b*) in two periods of one week each, one-half of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the two periods.

Idem

(6) Subject to subsection 4, where an employee who is entitled to a vacation of three weeks wishes to take his vacation,

(*a*) in one period of three weeks, his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of his vacation;

(*b*) in one period of two weeks and one period of one week,

(i) two-thirds of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of two weeks, and

(ii) one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of one week;

(*c*) in three periods of one week each, one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the three periods; or

(*d*) in two periods of more than one week but less than two weeks each, the sum that bears the same proportion to his vacation pay as the number of days comprising the period bears to twenty-one shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period to which the pay relates.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1964.* Short title

BILL 7

An Act to amend The Hours of Work and Vacations with Pay Act

1st Reading

January 20th, 1964

2nd Reading

3rd Reading

MR. GISBORN

1964

BILL 8

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Plant Diseases Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill enables a municipality to control a local plant disease without having the disease designated in regulations of general enforcement.

BILL 8 **1964**

An Act to amend The Plant Diseases Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5 of *The Plant Diseases Act* is amended by adding at the end thereof "and may provide for the control or eradication of any disease of plants that is not designated a plant disease in the regulations", so that the subsection shall read as follows: R.S.O. 1960, c. 297, s. 5, subs. 1, amended

(1) The council of any municipality may, and upon receipt of a petition signed by at least twenty-five ratepayers of a township or county, the council of the township or county shall, appoint one or more municipal inspectors to enforce this Act and the regulations in the municipality with respect to any plant disease designated in the by-law, and the by-law shall fix the remuneration to be paid to any such inspector or inspectors and may provide for the control or eradication of any disease of plants that is not designated a plant disease in the regulations. Municipal by-laws

(2) Subsection 3 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 297, s. 5, subs. 3, re-enacted

(3) Every municipal inspector has all the powers of an inspector and shall carry out in the municipality the provisions of this Act, any by-law made under subsection 1 and the regulations under the direction of the Provincial Entomologist. Powers and duties

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Plant Diseases Amendment Act, 1964.* Short title

BILL 8

An Act to amend The Plant Diseases Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. STEWART

1964

BILL 8

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Plant Diseases Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 8 **1964**

An Act to amend The Plant Diseases Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5 of *The Plant Diseases Act* is amended by adding at the end thereof "and may provide for the control or eradication of any disease of plants that is not designated a plant disease in the regulations", so that the subsection shall read as follows: R.S.O. 1960, c. 297, s. 5, subs. 1, amended

(1) The council of any municipality may, and upon receipt of a petition signed by at least twenty-five ratepayers of a township or county, the council of the township or county shall, appoint one or more municipal inspectors to enforce this Act and the regulations in the municipality with respect to any plant disease designated in the by-law, and the by-law shall fix the remuneration to be paid to any such inspector or inspectors and may provide for the control or eradication of any disease of plants that is not designated a plant disease in the regulations. Municipal by-laws

(2) Subsection 3 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 297, s. 5, subs. 3, re-enacted

(3) Every municipal inspector has all the powers of an inspector and shall carry out in the municipality the provisions of this Act, any by-law made under subsection 1 and the regulations under the direction of the Provincial Entomologist. Powers and duties

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Plant Diseases Amendment Act, 1964.* Short title

BILL 8

An Act to amend The Plant Diseases Act

1st Reading

January 21st, 1964

2nd Reading

January 28th, 1964

3rd Reading

March 25th, 1964

MR. STEWART

1964

BILL 9

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Agriculture Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of the Bill is to provide for the provincial guarantee of loans to such persons and for such purposes as the Lieutenant Governor in Council determines.

BILL 9 **1964**

An Act to amend The Department of Agriculture Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Agriculture Act* is amended by adding thereto the following section: R.S.O. 1960, c. 92, amended

5*a*. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof and the interest thereon made to such persons and for such purposes as the Lieutenant Governor in Council determines, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province. Guarantee of loans

2. This Act shall be deemed to have come into force on the 1st day of January, 1964. Commencement

3. This Act may be cited as *The Department of Agriculture Amendment Act, 1964*. Short title

BILL 9

An Act to amend
The Department of Agriculture Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. STEWART

1964

BILL 9

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Agriculture Act

MR. STEWART

(Reprinted for consideration by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to provide for the provincial guarantee of loans to farmers for the purpose of paying the costs of transporting water, including the costs, if any, of purchasing such water.

BILL 9 **1964**

An Act to amend The Department of Agriculture Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Agriculture Act* is amended by adding thereto the following section: R.S.O. 1960 c. 92, amended

Guarantee of loans

5*b*. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof up to but not exceeding the principal sum of $2,500 together with interest thereon made to farmers for the purpose of paying the costs of transporting water, including the costs, if any, of purchasing such water, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

2. This Act shall be deemed to have come into force on the 1st day of January, 1964. Commencement

3. This Act may be cited as *The Department of Agriculture Amendment Act, 1964*. Short title

BILL 9 **1964**

An Act to amend The Department of Agriculture Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Agriculture Act* is amended by adding thereto the following section: R.S.O. 1960, c. 92, amended

5*b*. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof up to but not exceeding the principal sum of $2,500 together with interest thereon made to farmers for the purpose of paying the costs of transporting water, including the costs, if any, of purchasing such water, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province. Guarantee of loans

2. This Act shall be deemed to have come into force on the 1st day of January, 1964. Commencement

3. This Act may be cited as *The Department of Agriculture Amendment Act, 1964*. Short title

BILL 9

An Act to amend
The Department of Agriculture Act

1st Reading

January 21st, 1964

2nd Reading

January 28th, 1964

3rd Reading

March 25th, 1964

MR. STEWART

1964

BILL 10

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Junior Farmer Establishment Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendment increases the maximum amount of a loan under the Act from $20,000 to $40,000.

BILL 10 **1964**

An Act to amend The Junior Farmer Establishment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Junior Farmer Establishment Act*, as re-enacted by section 7 of *The Junior Farmer Establishment Amendment Act, 1962-63*, is amended by striking out "$20,000" in the first line and inserting in lieu thereof "$40,000", so that the subsection shall read as follows: R.S.O. 1960, c. 198, s. 14 (1962-63, c. 66, s. 7), subs. 1, amended

(1) No loan shall exceed $40,000. Limitation as to loan

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1964.* Short title

BILL 10

An Act to amend
The Junior Farmer Establishment Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. STEWART

1964

BILL 10

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Junior Farmer Establishment Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 10 **1964**

An Act to amend The Junior Farmer Establishment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Junior Farmer Establishment Act*, as re-enacted by section 7 of *The Junior Farmer Establishment Amendment Act, 1962-63*, is amended by striking out "$20,000" in the first line and inserting in lieu thereof "$40,000", so that the subsection shall read as follows: R.S.O. 1960, c. 198, s. 14 (1962-63, c. 66, s. 7), subs. 1, amended

(1) No loan shall exceed $40,000. Limitation as to loan

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1964.* Short title

BILL 10

An Act to amend
The Junior Farmer Establishment Act

1st Reading

January 21st, 1964

2nd Reading

January 28th, 1964

3rd Reading

March 25th, 1964

MR. STEWART

1964

BILL 11

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Slot Machines Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

Acts similar to this in other provinces have been held by the Supreme Court of Canada to be *ultra vires* provincial legislatures as being in the Federal field of criminal law.

The Act, which was passed in 1944 and is no longer used, is therefore repealed.

BILL 11 **1964**

An Act to repeal The Slot Machines Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Slot Machines Act* is repealed. R.S.O. 1950, c. 365, repealed

2. This Act may be cited as *The Slot Machines Repeal Act, 1964*. Short title

BILL 11

An Act to repeal The Slot Machines Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 11

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Slot Machines Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 11 **1964**

An Act to repeal The Slot Machines Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Slot Machines Act* is repealed. R.S.O. 1950, c. 365, repealed

2. This Act may be cited as *The Slot Machines Repeal Act, 1964*. Short title

BILL 11

An Act to repeal The Slot Machines Act

1st Reading

January 21st, 1964

2nd Reading

January 29th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 12

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Trustee Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

Subsection 2 of section 38 of *The Trustee Act* provides that, if a deceased person committed a wrong to another in respect of his person or property, the person wronged may maintain an action against the executor or administrator of the estate of the wrongdoer. Subsection 3 of that section provides for the appointment of an administrator *ad litem* of the estate of the deceased person.

Subsection 2 is amended to make it clear that it applies where the deceased is not actually the wrongdoer but is by law liable for the wrong committed — for example, under section 105 of *The Highway Traffic Act*, for loss or damage sustained by reason of negligence in the operation of his motor vehicle by another person.

BILL 12 **1964**

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 38 of *The Trustee Act* is amended by inserting after "committed" in the second line "or is by law liable for" and by inserting after "committed" in the fourth line "or is by law liable for", so that the subsection shall read as follows: R.S.O. 1960, c. 408, s. 38, subs. 2, amended

(2) Except in cases of libel and slander, if a deceased person committed, or is by law liable for, a wrong to another in respect of his person or property, the person wronged may maintain an action against the executor or administrator of the person who committed, or is by law liable for, the wrong. Actions against executors and administrators for torts

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Trustee Amendment Act, 1964*. Short title

BILL 12

An Act to amend The Trustee Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 12

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Trustee Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 12 **1964**

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 38 of *The Trustee Act* is amended by inserting after "committed" in the second line "or is by law liable for" and by inserting after "committed" in the fourth line "or is by law liable for", so that the subsection shall read as follows: R.S.O. 1960, c. 408, s. 38, subs. 2, amended

(2) Except in cases of libel and slander, if a deceased person committed, or is by law liable for, a wrong to another in respect of his person or property, the person wronged may maintain an action against the executor or administrator of the person who committed, or is by law liable for, the wrong. Actions against executors and administrators for torts

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Trustee Amendment Act, 1964*. Short title

BILL 12

An Act to amend The Trustee Act

1st Reading

January 21st, 1964

2nd Reading

January 29th, 1964

3rd Reading

March 25th, 1964

MR. CASS

BILL 13

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The County Courts Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendment provides that costs taxable by the clerk of a county court on the Supreme Court scale may be taxed by the Supreme Court taxing officers at Toronto, London or Ottawa, who have authority to exercise a discretion in allowing certain fees in excess of the maximum under the rules of the Supreme Court.

BILL 13 **1964**

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 7, re-enacted

7.—(1) Subject to subsection 2, the clerk shall tax costs, subject to an appeal to the judge. Taxation of costs on Supreme Court scale

(2) Where costs are awarded on the Supreme Court scale, the party entitled thereto may require the costs to be taxed, Idem

(*a*) in actions pending in the county courts of the counties of Carleton, Lanark, Leeds and Grenville, Stormont, Dundas and Glengarry, Russell, Renfrew or Prescott, by the taxing officer at Toronto or the local taxing officer at Ottawa;

(*b*) in actions pending in the county courts of the counties of Middlesex, Lambton, Elgin, Oxford or Perth, by the taxing officer at Toronto or the local taxing officer at London;

(*c*) in actions pending in all other county and district courts, by the taxing officer at Toronto.

(3) The taxing officer at Toronto has power to tax costs required to be taxed under subsection 2, and, for the purposes of taxations required under subsection 2, the local taxing officers at Ottawa and London have the same powers as the taxing officer at Toronto. Powers of taxing officers

(4) An appeal lies to a Supreme Court judge in chambers from any certificate of a taxation required under subsection 2. Appeals

Practice

(5) The practice on taxations and appeals therefrom and the fees payable thereon shall be the same as in the Supreme Court.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The County Courts Amendment Act, 1964.*

BILL 13

An Act to amend The County Courts Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 13

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The County Courts Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 13 **1964**

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 76, s. 7, re-enacted

7.—(1) Subject to subsection 2, the clerk shall tax costs, subject to an appeal to the judge. Taxation of costs on Supreme Court scale

(2) Where costs are awarded on the Supreme Court scale, the party entitled thereto may require the costs to be taxed, Idem

(*a*) in actions pending in the county courts of the counties of Carleton, Lanark, Leeds and Grenville, Stormont, Dundas and Glengarry, Russell, Renfrew or Prescott, by the taxing officer at Toronto or the local taxing officer at Ottawa;

(*b*) in actions pending in the county courts of the counties of Middlesex, Lambton, Elgin, Oxford or Perth, by the taxing officer at Toronto or the local taxing officer at London;

(*c*) in actions pending in all other county and district courts, by the taxing officer at Toronto.

(3) The taxing officer at Toronto has power to tax costs required to be taxed under subsection 2, and, for the purposes of taxations required under subsection 2, the local taxing officers at Ottawa and London have the same powers as the taxing officer at Toronto. Powers of taxing officers

(4) An appeal lies to a Supreme Court judge in chambers from any certificate of a taxation required under subsection 2. Appeals

Practice

(5) The practice on taxations and appeals therefrom and the fees payable thereon shall be the same as in the Supreme Court.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The County Courts Amendment Act, 1964.*

BILL 13

An Act to amend The County Courts Act

1st Reading

January 21st, 1964

2nd Reading

January 29th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 14

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to give a right of appeal in the circumstances stated.

BILL 14 1964

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 346, s. 5, amended

(9) Where a court in Ontario to which a provisional order made by a court in a reciprocating state has been sent for confirmation refuses to confirm it, or, after confirming it, varies or rescinds it, the person in whose favour it was made has the same right of appeal, if any, against the refusal, variation or rescission as that person would have had if the original application had been made in the same court in Ontario and it had been dismissed. Right of appeal where provisional order not confirmed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1964.* Short title

BILL 14

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 14

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 14 **1964**

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 346, s. 5, amended

(9) Where a court in Ontario to which a provisional order made by a court in a reciprocating state has been sent for confirmation refuses to confirm it, or, after confirming it, varies or rescinds it, the person in whose favour it was made has the same right of appeal, if any, against the refusal, variation or rescission as that person would have had if the original application had been made in the same court in Ontario and it had been dismissed. Right of appeal where provisional order not confirmed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1964.* Short title

BILL 14

An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

1st Reading

January 21st, 1964

2nd Reading

January 29th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 15

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Magistrates Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill provides for the establishment of a chief magistrate to co-ordinate and supervise the dispatch of business in magistrates courts in Ontario, in a manner similar to that of the chief judge for county and district courts.

BILL 15 **1964**

An Act to amend The Magistrates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 226, s. 1, cl. *b*, re-enacted

(*b*) "magistrate" includes the chief magistrate and a deputy magistrate.

2. Subsection 1 of section 2 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 226, s. 2, subs. 1, re-enacted

(1) The Lieutenant Governor in Council may appoint a chief magistrate and such magistrates and deputy magistrates as he considers necessary. Appointment

3. Subsection 2 of section 19 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 226, s. 19, subs. 2, re-enacted

(2) The chief magistrate shall be the senior magistrate for the City of Toronto. Senior magistrate, Toronto

4. *The Magistrates Act* is amended by adding thereto the following section: R.S.O. 1960, c. 226, amended

19*a*.—(1) The Attorney General may designate another magistrate to act in the place of the chief magistrate for all purposes during his illness or absence. Deputy

(2) The chief magistrate shall have general supervisory powers over arranging the sittings of magistrates and assigning magistrates for hearings, as circumstances require. Supervision of dispatch of business

(3) In the arrangement of the magistrates courts and the assignment of magistrates thereto, regard shall be had to, Assignment of magistrates

(*a*) the desirability of rotating the magistrates within each county or territorial district;

(*b*) the greater volume of judicial work in certain of the counties and districts.

R.S.O. 1960, c. 226, s. 20, subs. 1, cl. *f*, re-enacted

5. Clause *f* of subsection 1 of section 20 of *The Magistrates Act* is repealed and the following substituted therefor:

(*f*) prescribing the duties of the chief magistrate.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Magistrates Amendment Act, 1964.*

BILL 15

An Act to amend The Magistrates Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 15

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Magistrates Act

MR. CASS

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill provides for the establishment of a chief magistrate to co-ordinate and supervise the dispatch of business in magistrates courts in Ontario, in a manner similar to that of the chief judge for county and district courts.

BILL 15 1964

An Act to amend The Magistrates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 226, s. 1, cl. *b*, re-enacted

(*b*) "magistrate" includes the chief magistrate and a deputy magistrate.

2. Subsection 1 of section 2 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 226, s. 2, subs. 1, re-enacted

(1) The Lieutenant Governor in Council may appoint a chief magistrate and such magistrates and deputy magistrates as he considers necessary. Appointment

3. Subsection 2 of section 19 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 226, s. 19, subs. 2, re-enacted

(2) The chief magistrate shall be the senior magistrate for The Municipality of Metropolitan Toronto. Senior magistrate, Toronto

4. *The Magistrates Act* is amended by adding thereto the following section: R.S.O. 1960, c. 226, amended

19*a*.—(1) The Attorney General may designate another magistrate to act in the place of the chief magistrate for all purposes during his illness or absence. Deputy

(2) The chief magistrate shall have general supervisory powers over arranging the sittings of magistrates and assigning magistrates for hearings, as circumstances require. Supervision of dispatch of business

(3) In the arrangement of the magistrates courts and the assignment of magistrates thereto, regard shall be had to, Assignment of magistrates

(*a*) the desirability of rotating the magistrates within each county or territorial district;

(*b*) the greater volume of judicial work in certain of the counties and districts.

R.S.O. 1960, c. 226, s. 20, subs. 1, cl. *f*, re-enacted

5. Clause *f* of subsection 1 of section 20 of *The Magistrates Act* is repealed and the following substituted therefor:

(*f*) prescribing the duties of the chief magistrate.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Magistrates Amendment Act, 1964.*

BILL 15

An Act to amend The Magistrates Act

1st Reading

January 21st, 1964

2nd Reading

January 29th, 1964

3rd Reading

MR. CASS

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

1964

BILL 15

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Magistrates Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 15 **1964**

An Act to amend The Magistrates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 226, s. 1, cl. *b*, re-enacted

(*b*) "magistrate" includes the chief magistrate and a deputy magistrate.

2. Subsection 1 of section 2 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 226, s. 2, subs. 1, re-enacted

(1) The Lieutenant Governor in Council may appoint a chief magistrate and such magistrates and deputy magistrates as he considers necessary. Appointment

3. Subsection 2 of section 19 of *The Magistrates Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 226, s. 19, subs. 2, re-enacted

(2) The chief magistrate shall be the senior magistrate for The Municipality of Metropolitan Toronto. Senior magistrate, Toronto

4. *The Magistrates Act* is amended by adding thereto the following section: R.S.O. 1960, c. 226, amended

19*a*.—(1) The Attorney General may designate another magistrate to act in the place of the chief magistrate for all purposes during his illness or absence. Deputy

(2) The chief magistrate shall have general supervisory powers over arranging the sittings of magistrates and assigning magistrates for hearings, as circumstances require. Supervision of dispatch of business

(3) In the arrangement of the magistrates courts and the assignment of magistrates thereto, regard shall be had to, Assignment of magistrates

(*a*) the desirability of rotating the magistrates within each county or territorial district;

(*b*) the greater volume of judicial work in certain of the counties and districts.

R.S.O. 1960, c. 226, s. 20, subs. 1, cl. *f*, re-enacted

5. Clause *f* of subsection 1 of section 20 of *The Magistrates Act* is repealed and the following substituted therefor:

(*f*) prescribing the duties of the chief magistrate.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Magistrates Amendment Act, 1964.*

BILL 15

An Act to amend The Magistrates Act

1st Reading

January 21st, 1964

2nd Reading

January 29th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 16

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Jurors Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

An old requirement that now serves no useful purpose is deleted.

BILL 16 **1964**

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 59 of *The Jurors Act* is amended by striking out "and also on the door of the court house of the county, or if there is no court house, then in some other public place" in the second, third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 199, s. 59, subs. 1, amended

(1) Upon receipt of the precept, the sheriff shall post up in his office written notice of the day and hour at which he will attend at the office of the clerk of the peace to draft the panel of jurors, and at that time and place he shall draft the panel by ballot from the jury list in the presence of the clerk of the peace and a justice of the peace required to attend upon reasonable notice from the sheriff. Sheriff to give notice and draft panel

2. This Act may be cited as *The Jurors Amendment Act, 1964.* Short title

BILL 16

An Act to amend The Jurors Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 16

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Jurors Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 16 **1964**

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 59 of *The Jurors Act* is amended by striking out "and also on the door of the court house of the county, or if there is no court house, then in some other public place" in the second, third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 199, s. 59, subs. 1, amended

(1) Upon receipt of the precept, the sheriff shall post up in his office written notice of the day and hour at which he will attend at the office of the clerk of the peace to draft the panel of jurors, and at that time and place he shall draft the panel by ballot from the jury list in the presence of the clerk of the peace and a justice of the peace required to attend upon reasonable notice from the sheriff. Sheriff to give notice and draft panel

2. This Act may be cited as *The Jurors Amendment Act, 1964.* Short title

BILL 16

An Act to amend The Jurors Act

1st Reading

January 21st, 1964

2nd Reading

January 29th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 17

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Dower Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1—Subsection 1. The words are deleted in order to bring the subsection into line with section 42 of *The Registry Act.*

Subsection 2. This subsection, which prescribes the fee payable to registrars of deeds upon the registration of judges' orders, is repealed as all matters concerning fees are being transferred to *The Registry Act* and *The Land Titles Act.*

BILL 17 **1964**

An Act to amend The Dower Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 18 of *The Dower Act* is amended by striking out "without any proof thereof" in the sixth line, so that the subsection shall read as follows: R.S.O. 1960, c. 113, s. 18, subs. 1, amended

(1) An order under any of the preceding sections may be made in duplicate or in as many parts as are necessary, and shall be signed by the judge, and may be registered in the registry office of the registry division wherein the land to which the order relates is situate, upon its production and deposit, and such registration may take place either before or after the execution of the conveyance or mortgage made in pursuance of the order. Registration of order

(2) Subsection 3 of the said section 18 is repealed. R.S.O. 1960, c. 113, s. 18, subs. 3, repealed

2. This Act may be cited as *The Dower Amendment Act, 1964*. Short title

BILL 17

An Act to amend The Dower Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 17

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Dower Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 17 **1964**

An Act to amend The Dower Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 18 of *The Dower Act* is amended by striking out "without any proof thereof" in the sixth line, so that the subsection shall read as follows: R.S.O. 1960, c. 113, s. 18, subs. 1, amended

(1) An order under any of the preceding sections may be made in duplicate or in as many parts as are necessary, and shall be signed by the judge, and may be registered in the registry office of the registry division wherein the land to which the order relates is situate, upon its production and deposit, and such registration may take place either before or after the execution of the conveyance or mortgage made in pursuance of the order. Registration of order

(2) Subsection 3 of the said section 18 is repealed. R.S.O. 1960, c. 113, s. 18, subs. 3, repealed

2. This Act may be cited as *The Dower Amendment Act, 1964*. Short title

BILL 17

An Act to amend The Dower Act

1st Reading

January 21st, 1964

2nd Reading

January 29th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 18

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Extra-Judicial Services Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

Last year the provincial allowance to county and district court judges was increased to $3,500 per annum.

This Bill increases the provincial allowance to judges of the Supreme Court of Ontario to $4,000 per annum.

BILL 18 **1964**

An Act to amend The Extra-Judicial Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Extra-Judicial Services Act* is amended by striking out "$1,000" in the second line and inserting in lieu thereof "$4,000", so that the section shall read as follows: R.S.O. 1960, c. 128, s. 1, amended

1. Every judge of the Supreme Court shall be paid out of the Consolidated Revenue Fund the annual sum of $4,000, payable quarterly, as compensation for the services that he is called on to render by any Act of the Legislature in addition to his ordinary duties. Annual compensation

2. This Act shall be deemed to have come into force on the 1st day of January, 1964. Commencement

3. This Act may be cited as *The Extra-Judicial Services Amendment Act, 1964.* Short title

BILL 18

An Act to amend The Extra-Judicial Services Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 18

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Extra-Judicial Services Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 18 **1964**

An Act to amend The Extra-Judicial Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Extra-Judicial Services Act* is amended by striking out "$1,000" in the second line and inserting in lieu thereof "$4,000", so that the section shall read as follows: R.S.O. 1960, c. 128, s. 1, amended

1. Every judge of the Supreme Court shall be paid out of the Consolidated Revenue Fund the annual sum of $4,000, payable quarterly, as compensation for the services that he is called on to render by any Act of the Legislature in addition to his ordinary duties. Annual compensation

2. This Act shall be deemed to have come into force on the 1st day of January, 1964. Commencement

3. This Act may be cited as *The Extra-Judicial Services Amendment Act, 1964.* Short title

BILL 18

An Act to amend
The Extra-Judicial Services Act

1st Reading

January 21st, 1964

2nd Reading

January 29th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 19

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Energy Resources Act

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Sections 1, 2, 3. These amendments change the name of the Department from "Department of Energy Resources" to "Department of Energy and Resources Management".

Section 4. The provision for the appointment of the staff of the Department is brought up to date.

BILL 19 **1964**

An Act to amend The Department of Energy Resources Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Department of Energy Resources Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 95, title, re-enacted

THE DEPARTMENT OF ENERGY AND RESOURCES MANAGEMENT ACT

2.—(1) Clause *a* of section 1 of *The Department of Energy Resources Act* is amended by striking out "Department of Energy Resources" in the first and second lines and inserting in lieu thereof "Department of Energy and Resources Management", so that the clause shall read as follows: R.S.O. 1960, c. 95, s. 1, cl. *a*, amended

(*a*) "Department" means the Department of Energy and Resources Management.

(2) Clause *b* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 95, s. 1, cl. *b*, re-enacted

(*b*) "Minister" means the Minister of Energy and Resources Management.

3. Subsection 1 of section 2 of *The Department of Energy Resources Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 95, s. 2, subs. 1, re-enacted

(1) The department of the public service heretofore known as the Department of Energy Resources is continued under the name "Department of Energy and Resources Management". Department continued

4. Subsection 2 of section 3 of *The Department of Energy Resources Act* is amended by striking out "The Lieutenant Governor in Council may appoint" in the first line and by R.S.O. 1960, c. 95, s. 3, subs. 2, amended

adding at the end thereof "shall be appointed under *The Public Service Act, 1961-62*", so that the subsection shall read as follows:

Staff

(2) Such officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Department shall be appointed under *The Public Service Act, 1961-62*.

1961-62, c. 121

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Energy Resources Amendment Act, 1964*.

BILL 19

An Act to amend
The Department of Energy Resources Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. SIMONETT

1964

BILL 19

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Energy Resources Act

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 19 **1964**

An Act to amend The Department of Energy Resources Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Department of Energy Resources Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 95, title, re-enacted

THE DEPARTMENT OF ENERGY AND RESOURCES MANAGEMENT ACT

2.—(1) Clause *a* of section 1 of *The Department of Energy Resources Act* is amended by striking out "Department of Energy Resources" in the first and second lines and inserting in lieu thereof "Department of Energy and Resources Management", so that the clause shall read as follows: R.S.O. 1960, c. 95, s. 1, cl. *a*, amended

(*a*) "Department" means the Department of Energy and Resources Management.

(2) Clause *b* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 95, s. 1, cl. *b*, re-enacted

(*b*) "Minister" means the Minister of Energy and Resources Management.

3. Subsection 1 of section 2 of *The Department of Energy Resources Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 95, s. 2, subs. 1, re-enacted

(1) The department of the public service heretofore known as the Department of Energy Resources is continued under the name "Department of Energy and Resources Management". Department continued

4. Subsection 2 of section 3 of *The Department of Energy Resources Act* is amended by striking out "The Lieutenant Governor in Council may appoint" in the first line and by R.S.O. 1960, c. 95, s. 3, subs. 2, amended

adding at the end thereof "shall be appointed under *The Public Service Act, 1961-62*", so that the subsection shall read as follows:

Staff

(2) Such officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Department shall be appointed under *The Public Service Act, 1961-62*.

1961-62, c. 121

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Energy Resources Amendment Act, 1964*.

BILL 15

An Act to amend
The Department of Energy Resources Act

1st Reading

January 21st, 1964

2nd Reading

January 31st, 1964

3rd Reading

March 25th, 1964

MR. SIMONETT

1964

BILL 20

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Travel and Publicity Act

MR. AULD

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Sections 1, 2 and 3. These amendments change the name of the Department from "Department of Travel and Publicity" to "Department of Tourism and Information".

Section 4. The section is re-enacted in order to bring it into line with current practice.

BILL 20 1964

An Act to amend The Department of Travel and Publicity Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Department of Travel and Publicity Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 103, title, re-enacted

THE DEPARTMENT OF TOURISM AND INFORMATION ACT

2.—(1) Clause *a* of section 1 of *The Department of Travel and Publicity Act* is amended by striking out "Travel and Publicity" in the first and second lines and inserting in lieu thereof "Tourism and Information", so that the clause shall read as follows: R.S.O. 1960, c. 103, s. 1, cl. *a*, amended

(*a*) "Department" means the Department of Tourism and Information.

(2) Clause *b* of the said section 1 is amended by striking out "Travel and Publicity" in the first and second lines and inserting in lieu thereof "Tourism and Information", so that the clause shall read as follows: R.S.O. 1960, c. 103, s. 1, cl. *b*, amended

(*b*) "Minister" means the Minister of Tourism and Information.

3. Subsection 1 of section 2 of *The Department of Travel Publicity Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 103, s. 2, subs. 1, re-enacted

(1) The department of the public service heretofore known as the Department of Travel and Publicity is continued under the name "Department of Tourism and Information". Department continued

4. Section 5 of *The Department of Travel and Publicity Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 103, s. 5, re-enacted

Annual report

5. The Minister shall after the close of each year submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Travel and Publicity Amendment Act, 1964.*

An Act to amend The Department of Travel and Publicity Act

1st Reading

January 21st, 1964

2nd Reading

3rd Reading

MR. AULD

1964

BILL 20

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Travel and Publicity Act

MR. AULD

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 20 **1964**

An Act to amend The Department of Travel and Publicity Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Department of Travel and Publicity Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 103, title, re-enacted

THE DEPARTMENT OF TOURISM AND INFORMATION ACT

2.—(1) Clause *a* of section 1 of *The Department of Travel and Publicity Act* is amended by striking out "Travel and Publicity" in the first and second lines and inserting in lieu thereof "Tourism and Information", so that the clause shall read as follows: R.S.O. 1960, c. 103, s. 1, cl. *a*, amended

(*a*) "Department" means the Department of Tourism and Information.

(2) Clause *b* of the said section 1 is amended by striking out "Travel and Publicity" in the first and second lines and inserting in lieu thereof "Tourism and Information", so that the clause shall read as follows: R.S.O. 1960, c. 103, s. 1, cl. *b*, amended

(*b*) "Minister" means the Minister of Tourism and Information.

3. Subsection 1 of section 2 of *The Department of Travel Publicity Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 103, s. 2, subs. 1, re-enacted

(1) The department of the public service heretofore known as the Department of Travel and Publicity is continued under the name "Department of Tourism and Information". Department continued

4. Section 5 of *The Department of Travel and Publicity Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 103, s. 5, re-enacted

Annual report

5. The Minister shall after the close of each year submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Travel and Publicity Amendment Act, 1964.*

An Act to amend The Department of Travel and Publicity Act

1st Reading

January 21st, 1964

2nd Reading

February 5th, 1964

3rd Reading

March 25th, 1964

MR. AULD

1964

BILL 21

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend
The Hours of Work and Vacations with Pay Act

MR. FREEMAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill: (1) reduces the maximum working week from forty-eight hours to forty hours; (2) ensures that the reduction in hours does not affect the wages now earned in a maximum working week; the Industry and Labour Board is authorized to provide for a gradual transition; and (3) provides for time and one-half for overtime work.

BILL 21 **1964**

An Act to amend The Hours of Work and Vacations with Pay Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act* is amended by striking out "forty-eight" in the third line and inserting in lieu thereof "forty", so that the subsection shall read as follows: R.S.O. 1960, c. 181, s. 2, subs. 1, amended

(1) Subject to this Act, the working hours of an employee in an industrial undertaking shall not exceed eight in the day and forty in the week. Limitation of hours of work

2. *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following section: R.S.O. 1960, c. 181, amended

2*a*. Whenever an employee whose working hours are governed by this Act or the regulations does overtime work, he shall be paid therefor at a rate at least equal to one and one-half times his normal rate of pay. Overtime pay

3.—(1) In this Act, "regular weekly working hours" means the hours regularly worked in a week by employees without payment of an overtime rate of pay. Interpretation

(2) Where, immediately before this Act comes into force, the regular weekly working hours of an employee in an industrial undertaking are more than forty and the employee is paid at a rate other than an hourly or daily rate or at a rate for piece work, the employer shall not reduce the employee's rate of wages for the reason that the hours are reduced. When rate of wages not affected

(3) Where, immediately before this Act comes into force, the regular weekly working hours of an employee in an industrial undertaking are more than forty and the employee is paid at an hourly or daily rate or at a rate for piece work, the employer shall increase the rate by the same proportion as the number of regular weekly working hours bears to forty. When rate of wages converted

Board may provide for transition

4. Where the regular weekly working hours in an industrial undertaking or branch thereof are more than forty and the Board is satisfied that the coming into force of section 1 would work undue hardship, the Board may, by order, authorize a progressive reduction of the regular weekly working hours in the industrial undertaking or branch thereof upon such terms and conditions as the Board deems advisable, but subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act*, as amended by section 1, shall be fully complied with not later than the 1st day of July, 1965.

R.S.O. 1960, c. 181

Commencement

5. This Act comes into force on the 1st day of July, 1964.

Short title

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1964.*

An Act to amend The Hours
of Work and Vacations with Pay Act

1st Reading

January 22nd, 1964

2nd Reading

3rd Reading

MR. FREEMAN

1964

BILL 22

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Fatal Accidents Act

MR. SOPHA

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendment provides that it is not necessary to obtain letters probate or of administration in cases where actions may be brought under *The Fatal Accidents Act* by persons beneficially interested.

BILL 22 **1964**

An Act to amend The Fatal Accidents Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Fatal Accidents Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 138, s. 7, amended

(3) It is not necessary to obtain letters probate or letters of administration in order to bring an action under this section. Letters probate or of administration not necessary

2. This Act may be cited as *The Fatal Accidents Amendment Act, 1964.* Short title

BILL 22

An Act to amend The Fatal Accidents Act

1st Reading

January 23rd, 1964

2nd Reading

3rd Reading

MR. SOPHA

1964

BILL 23

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Female Refuges Act

MR. GROSSMAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

There are no female refuges in Ontario. Committals of women are made to The Andrew Mercer Reformatory.

BILL 23 **1964**

An Act to repeal The Female Refuges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Female Refuges Act* is repealed. R.S.O. 1960, c. 140, repealed

2. This Act may be cited as *The Female Refuges Repeal Act, 1964.* Short title

BILL 23

An Act to repeal
The Female Refuges Act

1st Reading

January 23rd, 1964

2nd Reading

3rd Reading

MR. GROSSMAN

1964

BILL 23

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Female Refuges Act

MR. GROSSMAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 23 **1964**

An Act to repeal The Female Refuges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Female Refuges Act* is repealed. R.S.O. 1960, c. 140, repealed

2. This Act may be cited as *The Female Refuges Repeal Act, 1964.* Short title

An Act to repeal
The Female Refuges Act

1st Reading

January 23rd, 1964

2nd Reading

February 4th, 1964

3rd Reading

March 25th, 1964

MR. GROSSMAN

1964

BILL 24

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The County Judges Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The maximum number of county court judges that may be appointed is increased from a total of 68 to a total of 70.

BILL 24 1964

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The County Judges Act*, as amended by section 2 of *The County Judges Amendment Act, 1961-62*, is further amended by striking out "fourteen" in the amendment of 1961-62 and inserting in lieu thereof "sixteen", so that the subsection shall read as follows: R.S.O. 1960, c. 77, s. 3, subs. 1, amended

(1) In addition to the judges mentioned in section 1 and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding sixteen in number, may be appointed, Additional judges

(*a*) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or

(*b*) for the county and district courts of the counties and districts of Ontario.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The County Judges Amendment Act, 1964*. Short title

An Act to amend The County Judges Act

1st Reading

January 23rd, 1964

2nd Reading

3rd Reading

MR. CASS

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(1) In addition to the judges mentioned in section 1 and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding sixteen in number, may be appointed, Additional judges

(*a*) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or

(*b*) for the county and district courts of the counties and districts of Ontario.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The County Judges Amendment Act, 1964*. Short title

An Act to amend The County Judges Act

1st Reading

January 23rd, 1964

2nd Reading

February 4th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 25

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Mental Incompetency Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

General: The purposes of this Bill are, (1) to expedite proceedings under the Act; and (2) to reduce the cost of such proceedings.

To accomplish these purposes the Bill proposes to transfer jurisdiction in proceedings under the Act from the Supreme Court to the county and district courts except: (1) the confirmation of committees and schemes of management; and (2) collateral matters.

Section 1. Complementary to section 2 of the Bill.

Section 2. This section effects the general purposes of the Bill.

BILL 25 **1964**

An Act to amend The Mental Incompetency Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Mental Incompetency Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 237, s. 1, cl. *c*, re-enacted

(*c*) "court" means the county or district court of a county or district.

2. *The Mental Incompetency Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 237, amended

1*a*.—(1) Except where otherwise provided, proceedings under this Act shall be brought in the county or district court of the county or district in which the person against whom the proceedings are to be brought has his fixed place of abode. Jurisdiction, county and district courts

(2) Where the person against whom proceedings under this Act are to be brought has no fixed place of abode in Ontario, the proceedings shall, except where otherwise provided, be brought in the county or district court of any county or district in which such person has property. Idem

1*b*.—(1) The respondent in proceedings under this Act may, upon such notice and otherwise as the rules of court prescribe, require the proceedings to be removed into the Supreme Court. Removal of proceedings into Supreme Court

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers to the proper office of the Supreme Court in the county or district in which the proceedings were brought. Transmission of papers

Removal of proceedings

(3) When the papers are received at the proper office of the Supreme Court, the proceedings are *ipso facto* in the Supreme Court and shall be proceeded with and disposed of as though *The Mental Incompetency Amendment Act, 1964* had not been passed.

1964, c. ...

R.S.O. 1960, c. 237, s. 4, re-enacted

3. Section 4 of *The Mental Incompetency Act* is repealed and the following substituted therefor:

Delegation of powers, S.C.O.

4. Where proceedings under this Act are in the Supreme Court, it may delegate to a master, official referee or other officer any or all of its powers under this Act except the making of a declaration of mental incompetency, the confirmation of the appointment of a committee or the confirmation of a scheme of management.

R.S.O. 1960, c. 237, s. 7, amended

4. Section 7 of *The Mental Incompetency Act* is amended by striking out "Registrar of the Supreme Court, Toronto" in the fourth and fifth lines and inserting in lieu thereof "clerk of the county or district court in which the proceedings have been brought", so that the section shall read as follows:

Trial by jury

7. An alleged mentally incompetent person is entitled to demand, by notice in writing to be given to the person applying for the declaration of his mental incompetency and also to be filed in the office of the clerk of the county or district court in which the proceedings have been brought at least ten days before the first day of the sittings at which the issue is directed to be tried, that any issue directed to determine the question of his mental incompetency shall be tried with a jury, and, unless he withdraws the demand before the trial, or the court is satisfied by personal examination of the mentally incompetent person that he is not mentally competent to form and express a wish for a trial by jury and so declares by order, the issue shall be tried by a jury.

R.S.O. 1960, c. 237, amended

5. *The Mental Incompetency Act* is amended by adding thereto the following section:

Supplemental powers of court

9*a*.—(1) Where an order has been made declaring a person a mentally incompetent person under section 5 or incapable of managing his affairs under section 36, the court, in the same or a subsequent order, shall,

(*a*) appoint a committee of the person or of the estate of the person, or both;

SECTIONS 3 and 4. Complementary to section 2 of the Bill.

SECTION 5. These provisions bring the Act into line with present practice and with section 2 of the Bill.

SECTION 6. Complementary to section 2 of the Bill.

(*b*) propound a scheme for the management of the estate of the person; and

(*c*) fix a time for the passing of the accounts of the committee,

but no order, in so far as it appoints a permanent committee or propounds a scheme of management, is effective until confirmed by the Supreme Court in the manner prescribed by the rules of court.

Order to be filed in S.C.O.

(2) The appointment of the committee and the scheme of management shall be filed in the office of the local registrar of the Supreme Court and shall be forthwith transmitted by him to the Registrar of the Supreme Court for confirmation as required by subsection 1.

Interim committee

(3) The court may appoint a committee to act with such powers as it may confer upon him until a scheme of management is propounded and a permanent committee appointed, and any such appointment need not be confirmed.

R.S.O. 1960, c. 237, s. 10, cl. *a*, amended

6.—(1) Clause *a* of section 10 of *The Mental Incompetency Act* is amended by striking out "master to whom the matter is referred, or of such officer as is appointed for that purpose" in the second, third and fourth lines and inserting in lieu thereof "clerk of the court in which the appointment was made", so that the clause shall read as follows:

inventory of present property

(*a*) the committee shall, within six months after being appointed, file in the office of the clerk of the court in which the appointment was made a true inventory of the whole real and personal estate of the mentally incompetent person, stating the income and profits thereof, and setting forth the debts, credits, and effects of the mentally incompetent person, so far as they have come to the knowledge of the committee.

R.S.O. 1960, c. 237, s. 10, cl. *d*, amended

(2) Clause *d* of the said section 10 is amended by striking out "Accountant of the Supreme Court" in the fourth and fifth lines and inserting in lieu thereof "clerk of the court", so that the clause shall read as follows:

security

(*d*) the committee shall give security for the due performance of his duties in such amount as the court directs, which security shall be in the form of a bond in the name of the clerk of the court and shall be filed in his office; and

. . . . .

R.S.O. 1960, c. 237, s. 15, cl. *m*, amended

7. Clause *m* of section 15 of *The Mental Incompetency Act* is amended by striking out "mentioned in section 26 of" in the third line and inserting in lieu thereof "in which a trustee may invest trust money under", so that the clause shall read as follows:

(*m*) invest or re-invest any money in his hands belonging to the mentally incompetent person in the classes of securities in which a trustee may invest trust money under *The Trustee Act*.

R.S.O. 1960, c. 408

R.S.O. 1960, c. 237, s. 20, amended

8. Section 20 of *The Mental Incompetency Act* is amended by striking out "court" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "Supreme Court", so that the section shall read as follows:

Powers vested in mentally incompetent person as trustee or guardian

20. Where a power is vested in a mentally incompetent person in the character of trustee or guardian, or the consent of a mentally incompetent person to the exercise of a power is necessary in the like character, or as a check upon the undue exercise of the power, and it appears to the Supreme Court to be expedient that the power should be exercised or the consent given, the committee of the estate, in the name and on behalf of the mentally incompetent person, under an order of the Supreme Court made upon the application of any person interested, may exercise the power or give the consent in such manner as the order directs.

R.S.O. 1960, c. 237, s. 21, amended

9. Section 21 of *The Mental Incompetency Act* is amended by striking out "court" in the first line and in the fourth line and inserting in lieu thereof in each instance "Supreme Court", so that the section shall read as follows:

Appointment of trustees by S.C.O.

21. Where the Supreme Court exercises, in the name and on behalf of a mentally incompetent person, a power of appointing new trustees vested in the mentally incompetent person, the Supreme Court, where it seems to be for the mentally incompetent person's benefit and also expedient, may make any order respecting the property subject to the trust that might have been made in the same case under *The Trustee Act* on the appointment thereunder of a new trustee or new trustees.

R.S.O. 1960, c. 408

R.S.O. 1960, c. 237, s. 23, amended

10. Section 23 of *The Mental Incompetency Act* is amended by striking out "court" where it occurs the first and second times in the eleventh line and inserting in lieu thereof in each

SECTION 7. The intent of the provision is clarified. By reason of recent amendments to *The Trustee Act*, the reference to section 26 is too restrictive.

SECTIONS 8 to 14. Jurisdiction is left in the Supreme Court in matters collateral to the main purposes of the Act.

instance "Supreme Court" and by striking out "the court" in the fifteenth line and inserting in lieu thereof "it", so that the section shall read as follows:

Power to transfer stock

23. Where any stock is standing in the name of or is vested in a mentally incompetent person beneficially entitled thereto, or is standing in the name of or vested in the committee of the estate of a mentally incompetent person so found in trust for the mentally incompetent person or as part of his property, and the committee dies intestate, or himself becomes a mentally incompetent person, or is out of Ontario, or it is uncertain whether the committee is living or dead, or he neglects or refuses to transfer the stock, or to receive or pay over the dividends thereof as directed by an order of the Supreme Court, then the Supreme Court may order some fit person to transfer the stock to or into the name of a new committee, or of the Accountant of the Supreme Court, or otherwise, and also to receive and pay over the dividends in such manner as it directs.

R.S.O. 1960, c. 237, s. 24, amended

11. Section 24 of *The Mental Incompetency Act* is amended by striking out "court" in the second line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the ninth line and inserting in lieu thereof "it", so that the section shall read as follows:

Stock in name of mentally incompetent person out of jurisdiction

24. Where any stock is standing in the name of or vested in a person residing out of Ontario, the Supreme Court, upon proof that he has been declared a mentally incompetent person and that his personal estate has been vested in a person appointed for the management thereof according to the law of the place where he is residing, may order some fit person to make such transfer of the stock or any part thereof to or into the name of the person so appointed, or otherwise, and also to receive and pay over the dividends thereof as it directs.

R.S.O. 1960, c. 237, s. 25, subs. 1, amended

12.—(1) Subsection 1 of section 25 of *The Mental Incompetency Act* is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the fourth and fifth lines and inserting in lieu thereof "it", so that the subsection shall read as follows:

Power to vest land of mentally incompetent trustee or mortgagee

(1) Where a mentally incompetent person is solely or jointly seised or possessed of any land upon trust or

by way of mortgage, the Supreme Court may by order vest the land in such person or persons for such estate and in such manner as it directs.

R.S.O. 1960, c. 237, s. 25, subs. 2, amended

(2) Subsection 2 of the said section 25 is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the fifth line and inserting in lieu thereof "it", so that the subsection shall read as follows:

Or a contingent right

(2) Where a mentally incompetent person is solely or jointly entitled to a contingent right in any land upon trust or by way of mortgage, the Supreme Court may by order release the land from the contingent right and dispose of it to such person as it directs.

R.S.O. 1960, c. 237, s. 26, subs. 1, amended

13.—(1) Subsection 1 of section 26 of *The Mental Incompetency Act* is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court", so that the subsection shall read as follows:

Mentally incompetent trustee or mortgagee of chose in action

(1) Where a mentally incompetent person is solely entitled to any stock or chose in action upon trust or by way of mortgage, the Supreme Court may by order vest in any person the right to transfer or to call for a transfer of the stock or to receive the dividends thereof, or vest in any person the chose in action, or any interest in respect thereof.

R.S.O. 1960, c. 237, s. 26, subs. 2, amended

(2) Subsection 2 of the said section 26 is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court", so that the subsection shall read as follows:

Jointly interested

(2) Where a person is jointly entitled with a mentally incompetent person to any stock or chose in action upon trust or by way of mortgage, the Supreme Court may make an order vesting the right to transfer or to call for a transfer of the stock or to receive the dividends thereof or vesting the chose in action or any interest in respect thereof either in such person alone or jointly with any other person.

R.S.O. 1960, c. 237, s. 26, subs. 3, amended

(3) Subsection 3 of the said section 26 is amended by striking out "court" in the fifth line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the eighth line and inserting in lieu thereof "it", so that the subsection shall read as follows:

(3) Where any stock is standing in the name of a deceased person whose personal representative is a mentally incompetent person or where a chose in action is vested in a mentally incompetent person as the personal representative of a deceased person, the Supreme Court may make an order vesting the right to transfer or to call for a transfer of the stock or to receive the dividends thereof or vesting the chose in action or any interest in respect thereof in any person whom it appoints. Mentally incompetent personal representative

14. Section 33 of *The Mental Incompetency Act* is amended by striking out "superior court exercising" in the fifth line and inserting in lieu thereof "court having", so that the section shall read as follows: R.S.O. 1960, c. 237, s. 33, amended

33. Where there is money in any court to the credit of a person who has been found or who is alleged to be a mentally incompetent person and the person is resident in Great Britain or Ireland or in any part of Canada other than Ontario, upon production of an order made by a court having jurisdiction where the person is resident authorizing any person to receive such money, the court may make an order for payment of such money to the person designated in the order to receive it. Money in court

15. Every proceeding under *The Mental Incompetency Act* that was commenced before this Act came into force shall be continued and disposed of as though this Act had not been passed. Transitional provision R.S.O. 1960, c. 237

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

17. This Act may be cited as *The Mental Incompetency Amendment Act, 1964.* Short title

An Act to amend
The Mental Incompetency Act

1st Reading

January 23rd, 1964

2nd Reading

3rd Reading

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An Act to amend The Mental Incompetency Act

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BILL 25 **1964**

An Act to amend The Mental Incompetency Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Mental Incompetency Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 237, s. 1, cl. *c*, re-enacted

(*c*) "court" means the county or district court of a county or district.

2. *The Mental Incompetency Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 237, amended

1*a*.—(1) Except where otherwise provided, proceedings under this Act shall be brought in the county or district court of the county or district in which the person against whom the proceedings are to be brought has his fixed place of abode. Jurisdiction, county and district courts

(2) Where the person against whom proceedings under this Act are to be brought has no fixed place of abode in Ontario, the proceedings shall, except where otherwise provided, be brought in the county or district court of any county or district in which such person has property. Idem

1*b*.—(1) The respondent in proceedings under this Act may, upon such notice and otherwise as the rules of court prescribe, require the proceedings to be removed into the Supreme Court. Removal of proceedings into Supreme Court

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers to the proper office of the Supreme Court in the county or district in which the proceedings were brought. Transmission of papers

Removal of proceedings

1964, c. ...

(3) When the papers are received at the proper office of the Supreme Court, the proceedings are *ipso facto* in the Supreme Court and shall be proceeded with and disposed of as though *The Mental Incompetency Amendment Act, 1964* had not been passed.

R.S.O. 1960, c. 237, s. 4, re-enacted

3. Section 4 of *The Mental Incompetency Act* is repealed and the following substituted therefor:

Delegation of powers, S.C.O.

4. Where proceedings under this Act are in the Supreme Court, it may delegate to a master, official referee or other officer any or all of its powers under this Act except the making of a declaration of mental incompetency, the confirmation of the appointment of a committee or the confirmation of a scheme of management.

R.S.O. 1960, c. 237, s. 7, amended

4. Section 7 of *The Mental Incompetency Act* is amended by striking out "Registrar of the Supreme Court, Toronto" in the fourth and fifth lines and inserting in lieu thereof "clerk of the county or district court in which the proceedings have been brought", so that the section shall read as follows:

Trial by jury

7. An alleged mentally incompetent person is entitled to demand, by notice in writing to be given to the person applying for the declaration of his mental incompetency and also to be filed in the office of the clerk of the county or district court in which the proceedings have been brought at least ten days before the first day of the sittings at which the issue is directed to be tried, that any issue directed to determine the question of his mental incompetency shall be tried with a jury, and, unless he withdraws the demand before the trial, or the court is satisfied by personal examination of the mentally incompetent person that he is not mentally competent to form and express a wish for a trial by jury and so declares by order, the issue shall be tried by a jury.

R.S.O. 1960, c. 237, amended

5. *The Mental Incompetency Act* is amended by adding thereto the following section:

Supplemental powers of court

9*a*.—(1) Where an order has been made declaring a person a mentally incompetent person under section 5 or incapable of managing his affairs under section 36, the court, in the same or a subsequent order, shall,

(*a*) appoint a committee of the person or of the estate of the person, or both;

(*b*) propound a scheme for the management of the estate of the person; and

(*c*) fix a time for the passing of the accounts of the committee,

but no order, in so far as it appoints a permanent committee or propounds a scheme of management, is effective until confirmed by the Supreme Court in the manner prescribed by the rules of court.

Order to be filed in S.C.O.

(2) The appointment of the committee and the scheme of management shall be filed in the office of the local registrar of the Supreme Court and shall be forthwith transmitted by him to the Registrar of the Supreme Court for confirmation as required by subsection 1.

Interim committee

(3) The court may appoint a committee to act with such powers as it may confer upon him until a scheme of management is propounded and a permanent committee appointed, and any such appointment need not be confirmed.

R.S.O. 1960, c. 237, s. 10, cl. *a*, amended

6.—(1) Clause *a* of section 10 of *The Mental Incompetency Act* is amended by striking out "master to whom the matter is referred, or of such officer as is appointed for that purpose" in the second, third and fourth lines and inserting in lieu thereof "clerk of the court in which the appointment was made", so that the clause shall read as follows:

inventory of present property

(*a*) the committee shall, within six months after being appointed, file in the office of the clerk of the court in which the appointment was made a true inventory of the whole real and personal estate of the mentally incompetent person, stating the income and profits thereof, and setting forth the debts, credits, and effects of the mentally incompetent person, so far as they have come to the knowledge of the committee.

R.S.O. 1960, c. 237, s. 10, cl. *d*, amended

(2) Clause *d* of the said section 10 is amended by striking out "Accountant of the Supreme Court" in the fourth and fifth lines and inserting in lieu thereof "clerk of the court", so that the clause shall read as follows:

security

(*d*) the committee shall give security for the due performance of his duties in such amount as the court directs, which security shall be in the form of a bond in the name of the clerk of the court and shall be filed in his office; and

. . . . . .

R.S.O. 1960, c. 237, s. 15, cl. *m*, amended

7. Clause *m* of section 15 of *The Mental Incompetency Act* is amended by striking out "mentioned in section 26 of" in the third line and inserting in lieu thereof "in which a trustee may invest trust money under", so that the clause shall read as follows:

(*m*) invest or re-invest any money in his hands belonging to the mentally incompetent person in the classes of securities in which a trustee may invest trust money under *The Trustee Act*.

R.S.O. 1960, c. 408

R.S.O. 1960, c. 237, s. 20, amended

8. Section 20 of *The Mental Incompetency Act* is amended by striking out "court" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "Supreme Court", so that the section shall read as follows:

Powers vested in mentally incompetent person as trustee or guardian

20. Where a power is vested in a mentally incompetent person in the character of trustee or guardian, or the consent of a mentally incompetent person to the exercise of a power is necessary in the like character, or as a check upon the undue exercise of the power, and it appears to the Supreme Court to be expedient that the power should be exercised or the consent given, the committee of the estate, in the name and on behalf of the mentally incompetent person, under an order of the Supreme Court made upon the application of any person interested, may exercise the power or give the consent in such manner as the order directs.

R.S.O. 1960, c. 237, s. 21, amended

9. Section 21 of *The Mental Incompetency Act* is amended by striking out "court" in the first line and in the fourth line and inserting in lieu thereof in each instance "Supreme Court", so that the section shall read as follows:

Appointment of trustees by S.C.O.

21. Where the Supreme Court exercises, in the name and on behalf of a mentally incompetent person, a power of appointing new trustees vested in the mentally incompetent person, the Supreme Court, where it seems to be for the mentally incompetent person's benefit and also expedient, may make any order respecting the property subject to the trust that might have been made in the same case under *The Trustee Act* on the appointment thereunder of a new trustee or new trustees.

R.S.O. 1960, c. 408

R.S.O. 1960, c. 237, s. 23, amended

10. Section 23 of *The Mental Incompetency Act* is amended by striking out "court" where it occurs the first and second times in the eleventh line and inserting in lieu thereof in each

instance "Supreme Court" and by striking out "the court" in the fifteenth line and inserting in lieu thereof "it", so that the section shall read as follows:

Power to transfer stock

23. Where any stock is standing in the name of or is vested in a mentally incompetent person beneficially entitled thereto, or is standing in the name of or vested in the committee of the estate of a mentally incompetent person so found in trust for the mentally incompetent person or as part of his property, and the committee dies intestate, or himself becomes a mentally incompetent person, or is out of Ontario, or it is uncertain whether the committee is living or dead, or he neglects or refuses to transfer the stock, or to receive or pay over the dividends thereof as directed by an order of the Supreme Court, then the Supreme Court may order some fit person to transfer the stock to or into the name of a new committee, or of the Accountant of the Supreme Court, or otherwise, and also to receive and pay over the dividends in such manner as it directs.

R.S.O. 1960, c. 237, s. 24, amended

11. Section 24 of *The Mental Incompetency Act* is amended by striking out "court" in the second line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the ninth line and inserting in lieu thereof "it", so that the section shall read as follows:

Stock in name of mentally incompetent person out of jurisdiction

24. Where any stock is standing in the name of or vested in a person residing out of Ontario, the Supreme Court, upon proof that he has been declared a mentally incompetent person and that his personal estate has been vested in a person appointed for the management thereof according to the law of the place where he is residing, may order some fit person to make such transfer of the stock or any part thereof to or into the name of the person so appointed, or otherwise, and also to receive and pay over the dividends thereof as it directs.

R.S.O. 1960, c. 237, s. 25, subs. 1, amended

12.—(1) Subsection 1 of section 25 of *The Mental Incompetency Act* is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the fourth and fifth lines and inserting in lieu thereof "it", so that the subsection shall read as follows:

Power to vest land of mentally incompetent trustee or mortgagee

(1) Where a mentally incompetent person is solely or jointly seised or possessed of any land upon trust or

by way of mortgage, the Supreme Court may by order vest the land in such person or persons for such estate and in such manner as it directs.

R.S.O. 1960, c. 237, s. 25, subs. 2, amended

(2) Subsection 2 of the said section 25 is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the fifth line and inserting in lieu thereof "it", so that the subsection shall read as follows:

Or a contingent right

(2) Where a mentally incompetent person is solely or jointly entitled to a contingent right in any land upon trust or by way of mortgage, the Supreme Court may by order release the land from the contingent right and dispose of it to such person as it directs.

R.S.O. 1960, c. 237, s. 26, subs. 1, amended

13.—(1) Subsection 1 of section 26 of *The Mental Incompetency Act* is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court", so that the subsection shall read as follows:

Mentally incompetent trustee or mortgagee of chose in action

(1) Where a mentally incompetent person is solely entitled to any stock or chose in action upon trust or by way of mortgage, the Supreme Court may by order vest in any person the right to transfer or to call for a transfer of the stock or to receive the dividends thereof, or vest in any person the chose in action, or any interest in respect thereof.

R.S.O. 1960, c. 237, s. 26, subs. 2, amended

(2) Subsection 2 of the said section 26 is amended by striking out "court" in the third line and inserting in lieu thereof "Supreme Court", so that the subsection shall read as follows:

Jointly interested

(2) Where a person is jointly entitled with a mentally incompetent person to any stock or chose in action upon trust or by way of mortgage, the Supreme Court may make an order vesting the right to transfer or to call for a transfer of the stock or to receive the dividends thereof or vesting the chose in action or any interest in respect thereof either in such person alone or jointly with any other person.

R.S.O. 1960, c. 237, s. 26, subs. 3, amended

(3) Subsection 3 of the said section 26 is amended by striking out "court" in the fifth line and inserting in lieu thereof "Supreme Court" and by striking out "the court" in the eighth line and inserting in lieu thereof "it", so that the subsection shall read as follows:

(3) Where any stock is standing in the name of a deceased person whose personal representative is a mentally incompetent person or where a chose in action is vested in a mentally incompetent person as the personal representative of a deceased person, the Supreme Court may make an order vesting the right to transfer or to call for a transfer of the stock or to receive the dividends thereof or vesting the chose in action or any interest in respect thereof in any person whom it appoints. Mentally incompetent personal representative

14. Section 33 of *The Mental Incompetency Act* is amended by striking out "superior court exercising" in the fifth line and inserting in lieu thereof "court having", so that the section shall read as follows: R.S.O. 1960, c. 237, s. 33, amended

33. Where there is money in any court to the credit of a person who has been found or who is alleged to be a mentally incompetent person and the person is resident in Great Britain or Ireland or in any part of Canada other than Ontario, upon production of an order made by a court having jurisdiction where the person is resident authorizing any person to receive such money, the court may make an order for payment of such money to the person designated in the order to receive it. Money in court

15. Every proceeding under *The Mental Incompetency Act* that was commenced before this Act came into force shall be continued and disposed of as though this Act had not been passed. Transitional provision R.S.O. 1960, c. 237

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

17. This Act may be cited as *The Mental Incompetency Amendment Act, 1964.* Short title

BILL 25

An Act to amend The Mental Incompetency Act

1st Reading

January 23rd, 1964

2nd Reading

January 29th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 26

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Day Nurseries Act

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendment increases the cases where provincial contributions can be made to municipal day nurseries to nurseries for children seven, eight or nine years of age where the mother is employed outside the home.

BILL 26 **1964**

An Act to amend The Day Nurseries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Day Nurseries Act* is amended by striking out "under seven years of age and not attending the first grade of school and not of common parentage" in the eighth, ninth and tenth lines and inserting in lieu thereof "not of common parentage and under seven years of age or seven, eight or nine years of age where the mothers are employed outside the home during all or part of the day", so that the clause shall read as follows: R.S.O. 1960, c. 87, s. 1, cl. *a*, amended

(*a*) "day nursery" means an institution, agency or place, whether known as a day nursery, nursery school, kindergarten, play school, or under any other name, which for compensation or otherwise receives for temporary custody on a daily or hourly basis with or without stated educational purpose, during part or all of the day, apart from the parents, more than three children not of common parentage and under seven years of age or seven, eight or nine years of age where the mothers are employed outside the home during all or part of the day, but does not include a nursery school or kindergarten conducted,

(i) as part of a public school under *The Public Schools Act* or a separate school under *The Separate Schools Act*, or R.S.O. 1960, cc. 330, 368

(ii) as part of a school, college, academy or other educational institution that is giving instruction equivalent to that given in grades 1 to 8, both inclusive, in a public or separate school.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960, c. 87, s. 1, amended

(*c*) "mother" means the female person in whose charge a child is or, where there is none, the male person in whose charge the child is.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Day Nurseries Amendment Act, 1964.*

BILL 26

An Act to amend The Day Nurseries Act

1st Reading

January 23rd, 1964

2nd Reading

3rd Reading

MR. CECILE

1964

BILL 26

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Day Nurseries Act

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 26 **1964**

An Act to amend The Day Nurseries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Day Nurseries Act* is amended by striking out "under seven years of age and not attending the first grade of school and not of common parentage" in the eighth, ninth and tenth lines and inserting in lieu thereof "not of common parentage and under seven years of age or seven, eight or nine years of age where the mothers are employed outside the home during all or part of the day", so that the clause shall read as follows: R.S.O. 1960, c. 87, s. 1, cl. *a*, amended

(*a*) "day nursery" means an institution, agency or place, whether known as a day nursery, nursery school, kindergarten, play school, or under any other name, which for compensation or otherwise receives for temporary custody on a daily or hourly basis with or without stated educational purpose, during part or all of the day, apart from the parents, more than three children not of common parentage and under seven years of age or seven, eight or nine years of age where the mothers are employed outside the home during all or part of the day, but does not include a nursery school or kindergarten conducted,

(i) as part of a public school under *The Public Schools Act* or a separate school under *The Separate Schools Act*, or R.S.O. 1960, cc. 330, 368

(ii) as part of a school, college, academy or other educational institution that is giving instruction equivalent to that given in grades 1 to 8, both inclusive, in a public or separate school.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960, c. 87, s. 1, amended

(*c*) "mother" means the female person in whose charge a child is or, where there is none, the male person in whose charge the child is.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Day Nurseries Amendment Act, 1964.*

BILL 26

An Act to amend The Day Nurseries Act

1st Reading

January 23rd, 1964

2nd Reading

February 4th, 1964

3rd Reading

March 25th, 1964

MR. CECILE

1964

BILL 27

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Highway Improvement Act

MR. MACNAUGHTON

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Sections 1 and 6. The amendments bring the provisions into line with present practices.

Section 2. The amendment will enable roads that are partly in territory without municipal organization as well as roads that are wholly within territory without municipal organization to be designated as tertiary roads.

Sections 3 and 4. These amendments will permit cities, towns, villages and townships to receive provincial subsidy on roads where a contribution towards their cost has been received from another source. A similar provision was passed last year in respect of counties.

BILL 27 **1964**

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 28 of *The Highway Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 171, s. 28, subs. 3, re-enacted

(3) While the King's Highway is so closed to traffic, the Minister or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and, wherever an alternative route deviates from it, a barricade upon which a red or a flashing amber light visible for a distance of 500 feet shall be exposed and kept burning or operating continuously from sunset until sunrise, and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic. Barricades

2. Subsection 1 of section 42 of *The Highway Improvement Act* is amended by inserting after "road" in the second line "that is in whole or in part", so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 42, subs. 1, amended

(1) The Lieutenant Governor in Council may designate an existing road that is in whole or in part in territory without municipal organization as a tertiary road, and thereupon the provisions of this Act and the regulations that apply to the King's Highway, except sections 33 and 34, apply *mutatis mutandis* to such tertiary road. Tertiary roads, designation

3.—(1) Section 79 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 171, s. 79, amended

(1*a*) Where a contribution has been made from any source whatsoever towards an expenditure to which this Contributions to be deducted

section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

R.S.O. 1960, c. 171, s. 79, subs. 4, re-enacted

(2) Subsection 4 of the said section 79 is repealed and the following substituted therefor:

Exclusions

(4) Expenditure in respect of which aid may be granted under this section does not include any amount levied in the township for county road purposes.

R.S.O. 1960, c. 171, s. 86, re-enacted

4. Section 86 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Contributions to be deducted

86. Where a contribution has been made from any source whatsoever towards an expenditure to which section 83 applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

R.S.O. 1960, c. 171, amended

5. *The Highway Improvement Act* is amended by adding thereto the following section:

Interpretation

94*a*.—(1) In this section,

(*a*) "expressway" means a divided arterial highway that is accessible only from intersecting arterial streets at intersections at grade that have been approved by the Minister, and, where required by the volume of traffic, at grade separated interchanges that have been approved by the Minister;

(*b*) "freeway" means a divided arterial highway that is accessible only from intersecting arterial streets at grade separated interchanges that have been approved by the Minister.

Expressways and freeways

(2) The Minister and any municipality may enter into agreement for the construction, maintenance and operation of an urban expressway or freeway that has been designated as a controlled-access road or as a controlled-access highway under this Act.

R.S.O. 1960, c. 171, s. 97, subs. 3, re-enacted

6. Subsection 3 of section 97 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Barricades

(3) While a road is so closed to traffic, the road superintendent or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and, wherever an alternative route deviates from

SECTION 5. This new section provides for provincial-municipal agreements for expressways and freeways in urban areas.

it, a barricade upon which a red or a flashing amber light visible for a distance of 500 feet shall be exposed and kept burning or operating continuously from sunset until sunrise, and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Highway Improvement Amendment Act, 1964.* Short title

An Act to amend
The Highway Improvement Act

1st Reading

January 28th, 1964

2nd Reading

3rd Reading

MR. MACNAUGHTON

1964

BILL 27

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Highway Improvement Act

MR. MACNAUGHTON

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 27 **1964**

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 28 of *The Highway Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 171, s. 28, subs. 3, re-enacted

(3) While the King's Highway is so closed to traffic, the Minister or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and, wherever an alternative route deviates from it, a barricade upon which a red or a flashing amber light visible for a distance of 500 feet shall be exposed and kept burning or operating continuously from sunset until sunrise, and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic. Barricades

2. Subsection 1 of section 42 of *The Highway Improvement Act* is amended by inserting after "road" in the second line "that is in whole or in part", so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 42, subs. 1, amended

(1) The Lieutenant Governor in Council may designate an existing road that is in whole or in part in territory without municipal organization as a tertiary road, and thereupon the provisions of this Act and the regulations that apply to the King's Highway, except sections 33 and 34, apply *mutatis mutandis* to such tertiary road. Tertiary roads, designation

3.—(1) Section 79 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 171, s. 79, amended

(1*a*) Where a contribution has been made from any source whatsoever towards an expenditure to which this Contributions to be deducted

section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

R.S.O. 1960, c. 171, s. 79, subs. 4, re-enacted

(2) Subsection 4 of the said section 79 is repealed and the following substituted therefor:

Exclusions

(4) Expenditure in respect of which aid may be granted under this section does not include any amount levied in the township for county road purposes.

R.S.O. 1960, c. 171, s. 86, re-enacted

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R.S.O. 1960, c. 171, amended

5. *The Highway Improvement Act* is amended by adding thereto the following section:

Interpretation

94*a*.—(1) In this section,

(*a*) "expressway" means a divided arterial highway that is accessible only from intersecting arterial streets at intersections at grade that have been approved by the Minister, and, where required by the volume of traffic, at grade separated interchanges that have been approved by the Minister;

(*b*) "freeway" means a divided arterial highway that is accessible only from intersecting arterial streets at grade separated interchanges that have been approved by the Minister.

Expressways and freeways

(2) The Minister and any municipality may enter into agreement for the construction, maintenance and operation of an urban expressway or freeway that has been designated as a controlled-access road or as a controlled-access highway under this Act.

R.S.O. 1960, c. 171, s. 97, subs. 3, re-enacted

6. Subsection 3 of section 97 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Barricades

(3) While a road is so closed to traffic, the road superintendent or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and, wherever an alternative route deviates from

it, a barricade upon which a red or a flashing amber light visible for a distance of 500 feet shall be exposed and kept burning or operating continuously from sunset until sunrise, and at such points shall put up a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Highway Improvement Amendment Act, 1964.* Short title

An Act to amend The Highway Improvement Act

1st Reading

January 28th, 1964

2nd Reading

February 5th, 1964

3rd Reading

March 25th, 1964

MR. MACNAUGHTON

BILL 28

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act respecting the Meetings of the Board of Directors of the Canadian National Exhibition Association

MR. BRYDEN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill requires that meetings of the Board of Directors of the Canadian National Exhibition Association be open meetings.

BILL 28 **1964**

An Act respecting the Meetings of the Board of Directors of the Canadian National Exhibition Association

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Meetings of Board to be open

1.—(1) Notwithstanding any general or special Act, but subject to subsection 3, the ordinary meetings of the Board of Directors of the Canadian National Exhibition Association shall be open, and no person shall be excluded therefrom except for improper conduct.

Expulsion of persons

(2) The presiding officer may expel or exclude from any meeting of the Board of Directors of the Canadian National Exhibition Association any person who has been guilty of improper conduct at the meeting.

Exclusion of public

(3) When the Board of Directors of the Canadian National Exhibition Association is of the opinion and by resolution so declares that any matter or subject to be dealt with or discussed at an ordinary meeting is of a confidential nature and the disclosure thereof might affect adversely the public interest or the functions of the Board, the public may by such resolution be excluded from the meeting while such matter or subject is being discussed or considered.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Canadian National Exhibition Association Act, 1964.*

An Act respecting the Meetings
of the Board of Directors of the
Canadian National Exhibition Association

1st Reading

January 30th, 1964

2nd Reading

3rd Reading

MR. BRYDEN

1964

BILL 29

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Crown Attorneys Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The Bill provides for the appointment of special Crown attorneys to act anywhere in the Province as directed by the Director of Public Prosecutions.

Section 2. Section 12 prohibits Crown attorneys and assistant Crown attorneys from acting as defence counsel in criminal matters. The amendment clarifies the intent by expressly excepting part-time assistant Crown attorneys from the prohibition.

BILL 29 **1964**

An Act to amend The Crown Attorneys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Crown Attorneys Act* is amended by adding at the end thereof "and such Crown attorneys and assistant Crown attorneys for the Province as he considers necessary", so that subsection 1 of the said section shall read as follows: R.S.O. 1960, c. 82, s. 1, amended

(1) The Lieutenant Governor in Council may appoint a Crown attorney for each county and for each provisional judicial district and such Crown attorneys and assistant Crown attorneys for the Province as he considers necessary. Appointment

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 82, s. 1, amended

(2) The Crown attorneys and assistant Crown attorneys appointed for the Province shall act anywhere in the Province as directed by the Director of Public Prosecutions. Special Crown attorneys

2. Section 12 of *The Crown Attorneys Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 82, s. 12, amended

(2) Subsection 1 does not apply to part-time assistant Crown attorneys. Exception

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Crown Attorneys Amendment Act, 1964.* Short title

BILL 29

An Act to amend
The Crown Attorneys Act

1st Reading

January 30th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 29

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Crown Attorneys Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 29 1964

An Act to amend The Crown Attorneys Act

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1.—(1) Section 1 of *The Crown Attorneys Act* is amended by adding at the end thereof "and such Crown attorneys and assistant Crown attorneys for the Province as he considers necessary", so that subsection 1 of the said section shall read as follows: R.S.O. 1960 c. 82, s. 1, amended

(1) The Lieutenant Governor in Council may appoint a Crown attorney for each county and for each provisional judicial district and such Crown attorneys and assistant Crown attorneys for the Province as he considers necessary. Appointment

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 82, s. 1, amended

(2) The Crown attorneys and assistant Crown attorneys appointed for the Province shall act anywhere in the Province as directed by the Director of Public Prosecutions. Special Crown attorneys

2. Section 12 of *The Crown Attorneys Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 82, s. 12, amended

(2) Subsection 1 does not apply to part-time assistant Crown attorneys. Exception

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Crown Attorneys Amendment Act, 1964*. Short title

An Act to amend
The Crown Attorneys Act

1st Reading

January 30th, 1964

2nd Reading

February 4th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 30

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Killarney Recreational Reserve Act, 1962-63

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The name of the Killarney Recreational Reserve is changed to North Georgian Bay Recreational Reserve.

BILL 30 **1964**

An Act to amend The Killarney Recreational Reserve Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The name "Killarney Recreational Reserve", wherever it occurs in *The Killarney Recreational Reserve Act, 1962-63* and in the long title, the short title and the Schedule thereto, is struck out and the name "North Georgian Bay Recreational Reserve" inserted in lieu thereof. 1962-63, c. 68, amended Change of name

2. This Act may be cited as *The Killarney Recreational Reserve Amendment Act, 1964.* Short title

BILL 30

An Act to amend The Killarney Recreational Reserve Act, 1962-63

1st Reading

January 30th, 1964

2nd Reading

3rd Reading

MR. ROBERTS

1964

BILL 30

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Killarney Recreational Reserve Act, 1962-63

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 30 **1964**

An Act to amend The Killarney Recreational Reserve Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The name "Killarney Recreational Reserve", wherever it occurs in *The Killarney Recreational Reserve Act, 1962-63* and in the long title, the short title and the Schedule thereto, is struck out and the name "North Georgian Bay Recreational Reserve" inserted in lieu thereof. 1962-63, c. 68, amended Change of name

2. This Act may be cited as *The Killarney Recreational Reserve Amendment Act, 1964.* Short title

An Act to amend The Killarney Recreational Reserve Act, 1962-63

1st Reading

January 30th, 1964

2nd Reading

February 12th, 1964

3rd Reading

March 25th, 1964

MR. ROBERTS

1964

BILL 31

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Trees Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

These amendments will permit the payment by a county to any municipality in which it owns forest lands of an amount equivalent to taxes on such lands.

BILL 31 **1964**

An Act to amend The Trees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Trees Act* is amended by adding thereto the following section: R.S.O. 1960 c. 406, amended

7*a*. The council of a county may agree to pay annually to the council of a municipality in which the county owns land acquired or declared to be required for forestry purposes a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. Payment in lieu of taxes

2. Section 11 of *The Trees Act* is amended by inserting after "7" in the first line "7*a*", so that the section shall read as follows: R.S.O. 1960, c. 406, s. 11, amended

11. No by-law shall be finally passed under section 7, 7*a*, 8, 9 or 10 until approved in writing by the Minister of Lands and Forests. Approval of by-law by Minister

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Trees Amendment Act, 1964*. Short title

An Act to amend The Trees Act

1st Reading

January 30th, 1964

2nd Reading

3rd Reading

MR. ROBERTS

1964

BILL 31

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Trees Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 31 **1964**

An Act to amend The Trees Act

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1. *The Trees Act* is amended by adding thereto the following section: R.S.O. 1960 c. 406, amended

7*a*. The council of a county may agree to pay annually to the council of a municipality in which the county owns land acquired or declared to be required for forestry purposes a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. Payment in lieu of taxes

2. Section 11 of *The Trees Act* is amended by inserting after "7" in the first line "7*a*", so that the section shall read as follows: R.S.O. 1960, c. 406, s. 11, amended

11. No by-law shall be finally passed under section 7, 7*a*, 8, 9 or 10 until approved in writing by the Minister of Lands and Forests. Approval of by-law by Minister

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Trees Amendment Act, 1964*. Short title

BILL 31

An Act to amend The Trees Act

1st Reading

January 30th, 1964

2nd Reading

February 12th, 1964

3rd Reading

March 25th, 1964

MR. ROBERTS

1964

BILL 32

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Crown Timber Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

SECTION 1. See notes to sections 4 and 5.

SECTION 2. The intent is clarified.

SECTION 3. Short-term renewals of licences are provided for.

BILL 32 **1964**

An Act to amend The Crown Timber Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Crown Timber Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 83, s. 1, amended

(*ja*) "productive lands" means lands that are not rock barrens, muskeg or lands covered with water;

(*jb*) "professional forester" means a person registered under *The Ontario Professional Foresters Association Act, 1957*. 1957, c. 149

2. Subsection 4 of section 2 of *The Crown Timber Act* is amended by striking out "If the cutting of the timber in respect of which a licence is granted is not completed during the term of the licence" in the first, second and third lines and inserting in lieu thereof "Where a licence has been granted under subsection 2 and the cutting of the timber authorized by the licence was not completed before the licence expired" and by striking out "further" in the third line, so that the subsection shall read as follows: R.S.O. 1960, c. 83, s. 2, subs. 4, amended

(4) Where a licence has been granted under subsection 2 and the cutting of the timber authorized by the licence was not completed before the licence expired, the Minister may renew the licence for one term not exceeding three years, subject to such terms and conditions as are prescribed by the regulations and subject to such other terms and conditions as he deems proper and that are not inconsistent with the regulations. Renewal of licence

3.—(1) Section 3 of *The Crown Timber Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 83, s. 3, amended

Renewal of licence

(1*a*) Where a licence has been granted under subsection 1 and the cutting of the timber authorized by the licence was not completed before the licence expired, the Minister may renew the licence for one term of one year, subject to the same terms and conditions as were contained in the licence.

R.S.O. 1960, c. 83, s. 3, subs. 2, amended

(2) Subsection 2 of the said section 3 is amended by inserting after "subsection 1" in the second line "or renewed under subsection 1*a*", so that the subsection, exclusive of the clauses, shall read as follows:

Terms and conditions

(2) Where a licence to cut Crown timber is granted under subsection 1 or renewed under subsection 1*a*, the Minister may,

. . . . .

R.S.O. 1960, c. 83, s. 6, subs. 1, re-enacted

4. Subsection 1 of section 6 of *The Crown Timber Act* is repealed and the following substituted therefor:

Areas to be stated

(1) Every licence shall state the total area of the lands comprised therein and the area of the productive lands and the area of the unproductive lands included in such total area.

R.S.O. 1960, c. 83, s. 24, re-enacted

5. Section 24 of *The Crown Timber Act* is repealed and the following substituted therefor:

Management plans

24.—(1) Every licensee shall, when required by the Minister, furnish within such period as is fixed by the Minister a management plan,

(*a*) consisting of a report, inventory, maps and an operating plan prepared in conformity with the manual of management plan requirements authorized by the Minister; and

(*b*) prepared under the supervision of a professional forester and certified by him in the following form:

> I hereby certify that this plan has been prepared under my personal supervision and that all field work and calculations have been carried out to the best of my skill and judgment in accordance with the manual of management plan requirements.

When operating plan to be furnished

(2) Every licensee who is not required to submit a management plan under subsection 1 shall, when required by the Minister and within such period as

SECTION 4. The amendment provides that licences must state the total area, productive and unproductive.

SECTION 5. The present system of master plans is discontinued, and a system of management plans and operating plans is substituted.

SECTIONS 6 and 7. See note to section 5. These amendments are complementary.

is fixed by the Minister, furnish an operating plan showing the proposed operations and a statement of the purpose for which the timber is to be used.

(3) The Minister may approve a management plan or operating plan as submitted to him or may approve it with such alterations therein as he deems advisable. Approval of plans

(4) A licensee shall conduct all operations on his licensed area in accordance with the approved management plan or operating plan, as the case may be. Management of the area according to plan

(5) Where a licensee fails to furnish a management plan or an operating plan, as the case may be, within the period fixed by the Minister, the Minister may cause the plan to be prepared, and the cost thereof shall be a claim of the Crown in connection with the licensed area. Plans not submitted on time

6. Subsection 2 of section 25 of *The Crown Timber Act* is amended by striking out "master plan, the master plan" in the fourth line and inserting in lieu thereof "management plan or operating plan, the management plan or the operating plan, as the case may be", so that the subsection shall read as follows: R.S.O. 1960, c. 83, s. 25, subs. 2, amended

(2) The Minister may approve an annual plan or may approve it with such alterations as he deems advisable, and, where the alterations involve the alteration of an approved management plan or operating plan, the management plan or the operating plan, as the case may be, shall be deemed to be altered accordingly. Alteration of plan

7.—(1) Subsection 1 of section 26 of *The Crown Timber Act* is amended by striking out "master" in the third line and inserting in lieu thereof "management plan or operating", so that the subsection shall read as follows: R.S.O. 1960, c. 83, s. 26, subs. 1, amended

(1) Notwithstanding anything in any general or special Act or in any regulation or in any licence or in any management plan or operating plan, the Lieutenant Governor in Council, having regard to reasonable business requirements of the licensee, may cancel or vary any licence in respect of one or more parts of a licensed area or in respect of any type, size or species of timber designated by him. Preservation of forests, etc.

(2) Subsection 2 of the said section 26 is amended by striking out "master" in the second line and inserting in lieu thereof "management plan or operating", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 83, s. 26, subs. 2, amended

Idem

(2) Notwithstanding anything in any general or special Act or in any regulation or in any licence or in any management plan or operating plan, the Minister may,

. . . . .

R.S.O. 1960, c. 83, s. 31, re-enacted

8. Section 31 of *The Crown Timber Act* is repealed and the following substituted therefor:

Manual of management plan requirements authorized

31. The Minister may authorize a manual of management plan requirements prescribing the method of preparing management plans, operating plans, annual plans, and inventories, and the form thereof.

R.S.O. 1960, c. 83, s. 36, subs. 2, re-enacted

9.—(1) Subsection 2 of section 36 of *The Crown Timber Act* is repealed and the following substituted therefor:

Term

(2) Every scaler's licence expires with the 31st day of March of the third year after the 31st day of March that preceded the date of issue.

R.S.O. 1960, c. 83, s. 36, subs. 3, amended

(2) Subsection 3 of the said section 36 is amended by striking out "on the 31st day of March next following the date thereof" in the fourth and fifth lines and inserting in lieu thereof "with the 31st day of March of the third year after the 31st day of March that preceded the date of issue", so that the subsection shall read as follows:

Renewal

(3) A scaler's licence may, upon application to the Minister, be renewed from time to time either before or after the expiration thereof or of the last renewal, and every renewal expires with the 31st day of March of the third year after the 31st day of March that preceded the date of issue, but, where a licence has not been renewed within three years after its expiration or after the expiration of the last renewal, it shall not be further renewed.

R.S.O. 1960, c. 83, s. 45, subs. 1, amended

10.—(1) Subsection 1 of section 45 of *The Crown Timber Act* is amended by inserting after "construct" in the first line "reconstruct", so that the subsection shall read as follows:

Licence required

(1) No person shall construct, reconstruct or operate a mill, or increase the productive capacity of a mill, or convert an existing mill into a mill of any other type, without a licence from the Minister.

R.S.O. 1960, c. 83, s. 45, subs. 2, re-enacted

(2) Subsection 2 of the said section 45 is repealed and the following substituted therefor:

SECTION 8. A manual establishing the requirements of management plans, etc., is provided for.

SECTION 9. The term of scalers' licences is extended from one to three years.

SECTION 10. Self-explanatory. Subsection 2 substitutes a new principle.

SECTION 11. The provisions respecting provincial forests are deleted.

SECTION 12. The minimum penalties for failure to obtain mill licences are reduced.

(2) A licence under subsection 1 shall not be granted unless the applicant has, in the opinion of the Minister, a sufficient supply of logs or wood-bolts. Condition precedent to grant of licence

11. Section 46 of *The Crown Act* is repealed. R.S.O. 1960, c. 83, s. 46, repealed

12. Clause *j* of subsection 1 of section 47 of *The Crown Timber Act* is amended by striking out "$500" in the third line and inserting in lieu thereof "$25" and by striking out "$1,000" in the fifth line and inserting in lieu thereof "$50", so that the clause shall read as follows: R.S.O. 1960, c. 83, s. 47, subs. 1, cl. *j*, amended

(*j*) contravenes section 45 or any regulation made under clause *m* or *o* of section 52, is liable to a penalty of not less than $25 and not more than $1,000 for the first contravention and to a penalty of not less than $50 and not more than $5,000 for each subsequent contravention.

13.—(1) This Act, except section 9, comes into force on the day it receives Royal Assent. Commencement

(2) Section 9 comes into force on the 1st day of April, 1965. Idem

14. This Act may be cited as *The Crown Timber Amendment Act, 1964.* Short title

An Act to amend The Crown Timber Act

1st Reading

January 30th, 1964

2nd Reading

3rd Reading

MR. ROBERTS

1964

BILL 32

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Crown Timber Act

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 32 **1964**

An Act to amend The Crown Timber Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Crown Timber Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 83, s. 1, amended

(*ja*) "productive lands" means lands that are not rock barrens, muskeg or lands covered with water;

(*jb*) "professional forester" means a person registered under *The Ontario Professional Foresters Association Act, 1957*. 1957, c. 149

2. Subsection 4 of section 2 of *The Crown Timber Act* is amended by striking out "If the cutting of the timber in respect of which a licence is granted is not completed during the term of the licence" in the first, second and third lines and inserting in lieu thereof "Where a licence has been granted under subsection 2 and the cutting of the timber authorized by the licence was not completed before the licence expired" and by striking out "further" in the third line, so that the subsection shall read as follows: R.S.O. 1960, c. 83, s. 2, subs. 4, amended

(4) Where a licence has been granted under subsection 2 and the cutting of the timber authorized by the licence was not completed before the licence expired, the Minister may renew the licence for one term not exceeding three years, subject to such terms and conditions as are prescribed by the regulations and subject to such other terms and conditions as he deems proper and that are not inconsistent with the regulations. Renewal of licence

3.—(1) Section 3 of *The Crown Timber Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 83, s. 3, amended

Renewal of licence

(1*a*) Where a licence has been granted under subsection 1 and the cutting of the timber authorized by the licence was not completed before the licence expired, the Minister may renew the licence for one term of one year, subject to the same terms and conditions as were contained in the licence.

R.S.O. 1960, c. 83, s. 3, subs. 2, amended

(2) Subsection 2 of the said section 3 is amended by inserting after "subsection 1" in the second line "or renewed under subsection 1*a*", so that the subsection, exclusive of the clauses, shall read as follows:

Terms and conditions

(2) Where a licence to cut Crown timber is granted under subsection 1 or renewed under subsection 1*a*, the Minister may,

. . . . . .

R.S.O. 1960, c. 83, s. 6, subs. 1, re-enacted

4. Subsection 1 of section 6 of *The Crown Timber Act* is repealed and the following substituted therefor:

Areas to be stated

(1) Every licence shall state the total area of the lands comprised therein and the area of the productive lands and the area of the unproductive lands included in such total area.

R.S.O. 1960, c. 83, s. 24, re-enacted

5. Section 24 of *The Crown Timber Act* is repealed and the following substituted therefor:

Management plans

24.—(1) Every licensee shall, when required by the Minister, furnish within such period as is fixed by the Minister a management plan,

(*a*) consisting of a report, inventory, maps and an operating plan prepared in conformity with the manual of management plan requirements authorized by the Minister; and

(*b*) prepared under the supervision of a professional forester and certified by him in the following form:

I hereby certify that this plan has been prepared under my personal supervision and that all field work and calculations have been carried out to the best of my skill and judgment in accordance with the manual of management plan requirements.

When operating plan to be furnished

(2) Every licensee who is not required to submit a management plan under subsection 1 shall, when required by the Minister and within such period as

is fixed by the Minister, furnish an operating plan showing the proposed operations and a statement of the purpose for which the timber is to be used.

(3) The Minister may approve a management plan or operating plan as submitted to him or may approve it with such alterations therein as he deems advisable. Approval of plans

(4) A licensee shall conduct all operations on his licensed area in accordance with the approved management plan or operating plan, as the case may be. Management of the area according to plan

(5) Where a licensee fails to furnish a management plan or an operating plan, as the case may be, within the period fixed by the Minister, the Minister may cause the plan to be prepared, and the cost thereof shall be a claim of the Crown in connection with the licensed area. Plans not submitted on time

6. Subsection 2 of section 25 of *The Crown Timber Act* is amended by striking out "master plan, the master plan" in the fourth line and inserting in lieu thereof "management plan or operating plan, the management plan or the operating plan, as the case may be", so that the subsection shall read as follows: R.S.O. 1960, c. 83, s. 25, subs. 2, amended

(2) The Minister may approve an annual plan or may approve it with such alterations as he deems advisable, and, where the alterations involve the alteration of an approved management plan or operating plan, the management plan or the operating plan, as the case may be, shall be deemed to be altered accordingly. Alteration of plan

7.—(1) Subsection 1 of section 26 of *The Crown Timber Act* is amended by striking out "master" in the third line and inserting in lieu thereof "management plan or operating", so that the subsection shall read as follows: R.S.O. 1960, c. 83, s. 26, subs. 1, amended

(1) Notwithstanding anything in any general or special Act or in any regulation or in any licence or in any management plan or operating plan, the Lieutenant Governor in Council, having regard to reasonable business requirements of the licensee, may cancel or vary any licence in respect of one or more parts of a licensed area or in respect of any type, size or species of timber designated by him. Preservation of forests, etc.

(2) Subsection 2 of the said section 26 is amended by striking out "master" in the second line and inserting in lieu thereof "management plan or operating", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 83, s. 26, subs. 2, amended

Idem

(2) Notwithstanding anything in any general or special Act or in any regulation or in any licence or in any management plan or operating plan, the Minister may,

. . . . .

R.S.O. 1960, c. 83, s. 31, re-enacted

8. Section 31 of *The Crown Timber Act* is repealed and the following substituted therefor:

Manual of management plan requirements authorized

31. The Minister may authorize a manual of management plan requirements prescribing the method of preparing management plans, operating plans, annual plans, and inventories, and the form thereof.

R.S.O. 1960, c. 83, s. 36, subs. 2, re-enacted

9.—(1) Subsection 2 of section 36 of *The Crown Timber Act* is repealed and the following substituted therefor:

Term

(2) Every scaler's licence expires with the 31st day of March of the third year after the 31st day of March that preceded the date of issue.

R.S.O. 1960, c. 83, s. 36, subs. 3, amended

(2) Subsection 3 of the said section 36 is amended by striking out "on the 31st day of March next following the date thereof" in the fourth and fifth lines and inserting in lieu thereof "with the 31st day of March of the third year after the 31st day of March that preceded the date of issue", so that the subsection shall read as follows:

Renewal

(3) A scaler's licence may, upon application to the Minister, be renewed from time to time either before or after the expiration thereof or of the last renewal, and every renewal expires with the 31st day of March of the third year after the 31st day of March that preceded the date of issue, but, where a licence has not been renewed within three years after its expiration or after the expiration of the last renewal, it shall not be further renewed.

R.S.O. 1960, c. 83, s. 45, subs. 1, amended

10.—(1) Subsection 1 of section 45 of *The Crown Timber Act* is amended by inserting after "construct" in the first line "reconstruct", so that the subsection shall read as follows:

Licence required

(1) No person shall construct, reconstruct or operate a mill, or increase the productive capacity of a mill, or convert an existing mill into a mill of any other type, without a licence from the Minister.

R.S.O. 1960, c. 83, s. 45, subs. 2, re-enacted

(2) Subsection 2 of the said section 45 is repealed and the following substituted therefor:

(2) A licence under subsection 1 shall not be granted unless the applicant has, in the opinion of the Minister, a sufficient supply of logs or wood-bolts. Condition precedent to grant of licence

11. Section 46 of *The Crown Act* is repealed. R.S.O. 1960, c. 83, s. 46, repealed

12. Clause *j* of subsection 1 of section 47 of *The Crown Timber Act* is amended by striking out "$500" in the third line and inserting in lieu thereof "$25" and by striking out "$1,000" in the fifth line and inserting in lieu thereof "$50", so that the clause shall read as follows: R.S.O. 1960, c. 83, s. 47, subs. 1, cl. *j*, amended

(*j*) contravenes section 45 or any regulation made under clause *m* or *o* of section 52, is liable to a penalty of not less than $25 and not more than $1,000 for the first contravention and to a penalty of not less than $50 and not more than $5,000 for each subsequent contravention.

13.—(1) This Act, except section 9, comes into force on the day it receives Royal Assent. Commencement

(2) Section 9 comes into force on the 1st day of April, 1965. Idem

14. This Act may be cited as *The Crown Timber Amendment Act, 1964.* Short title

An Act to amend The Crown Timber Act

1st Reading

January 30th, 1964

2nd Reading

February 12th, 1964

3rd Reading

March 25th, 1964

MR. ROBERTS

1964

BILL 33

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Territorial Division Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendments are to bring the Act up to date with the changes made in the corporate status of municipalities by reason of dissolutions, amalgamations and annexations.

BILL 33 **1964**

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *b* of paragraph 3 of section 1 of *The Territorial Division Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 1, par. 3, cl. *a*, re-enacted; cl. *b*, repealed

(*a*) the cities of Eastview, Ottawa.

(2) Clause *c* of paragraph 3 of the said section 1 is amended by adding at the end thereof "Stittsville". R.S.O. 1960, c. 395, s. 1, par. 3, cl. *c*, amended

(3) Clause *c* of paragraph 7 of the said section 1 is amended by inserting after "of" in the first line "Belmont". R.S.O. 1960, c. 395, s. 1, par. 7, cl. *c*, amended

(4) Paragraph 11 of the said section 1 is amended by adding thereto the following clause: R.S.O. 1960, c. 395, s. 1, par. 11, amended

(*aa*) the Town of Kemptville.

(5) Clause *b* of paragraph 11 of the said section 1 is amended by striking out "Kemptville". R.S.O. 1960, c. 395, s. 1, par. 11, cl. *b*, amended

(6) Clause *b* of paragraph 14 of the said section 1 is amended by striking out "Trafalgar" in the second column. R.S.O. 1960, c. 395, s. 1, par. 14, cl. *b*, amended

(7) Clause *a* of paragraph 20 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 1, par. 20, cl. *a*, re-enacted

(*a*) the City of Brockville;

(*aa*) the separated Town of Gananoque.

R.S.O. 1960, c. 395, s. 1, par. 22, cl. *b*, re-enacted

(8) Clause *b* of paragraph 22 of the said section 1 is repealed and the following substituted therefor:

(*b*) the towns of Grimsby, Niagara.

R.S.O. 1960, c. 395, s. 1, par. 22, cl. *d*, amended

(9) Clause *d* of paragraph 22 of the said section 1 is amended by striking out "Grantham" in the first column.

R.S.O. 1960, c. 395, s. 1, par. 27, cl. *d*, amended

(10) Clause *d* of paragraph 27 of the said section 1 is amended by inserting after "of" in the first line "Beachville".

R.S.O. 1960, c. 395, s. 1, par. 28, cl. *a*, re-enacted

(11) Clause *a* of paragraph 28 of the said section 1 is repealed and the following substituted therefor:

(*a*) the towns of Brampton, Port Credit, Streetsville.

R.S.O. 1960, c. 395, s. 1, par. 28, cl. *b*, amended

(12) Clause *b* of paragraph 28 of the said section 1 is amended by striking out "Port Credit" in the first line and by striking out "Streetsville" in the second line.

R.S.O. 1960, c. 395, s. 1, par. 31, cl. *b*, amended

(13) Clause *b* of paragraph 31 of the said section 1 is amended by adding at the end thereof "Plantagenet".

R.S.O. 1960, c. 395, s. 1, par. 33, cl. *b*, amended

(14) Clause *b* of paragraph 33 of the said section 1 is amended by adding at the end thereof "Petawawa".

R.S.O. 1960, c. 395, s. 1, par. 35, cl. *c*, amended

(15) Clause *c* of paragraph 35 of the said section 1 is amended by inserting after "Coldwater" in the first line "Cookstown".

R.S.O. 1960, c. 395, s. 1, par. 38, cl. *c*, amended

(16) Clause *c* of paragraph 38 of the said section 1 is amended by adding at the end thereof "Wellesley".

R.S.O. 1960, c. 395, s. 1, par. 39, cl. *d*, amended

(17) Clause *d* of paragraph 39 of the said section 1 is amended by striking out "Stamford" in the second column.

R.S.O. 1960, c. 395, s. 1, par. 45, cl. *b*, amended

(18) Clause *b* of paragraph 45 of the said section 1 is amended by striking out "Shakleton" in the first column and inserting in lieu thereof "Shackleton".

R.S.O. 1960, c. 395, s. 1, par. 52, cl. *c*, amended

(19) Clause *c* of paragraph 52 of the said section 1 is amended by striking out "McKim" in the first column.

(20) Clause *c* of paragraph 53 of the said section 1 is amended by inserting after "Walters" in the third column "Wardrope". R.S.O. 1960, c. 395, s. 1, par. 53, cl. *c*, amended

2.—(1) Clause *a* of paragraph 2 of section 2 of *The Territorial Division Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 2, par. 2, cl. *a*, re-enacted

(*a*) the Improvement District of Kingham (part).

(2) Clause *a* of paragraph 3 of the said section 2 is amended by inserting after "Balmertown" in the first line "Barclay". R.S.O. 1960, c. 395, s. 2, par. 3, cl. *a*, amended

(3) Clause *b* of paragraph 6 of the said section 2 is amended by inserting before "Bonfield" in the first column "Airy". R.S.O. 1960, c. 395, s. 2, par. 6, cl. *b*, amended

(4) Clause *a* of paragraph 10 of the said section 2 is amended by striking out "Longlac" in the second line. R.S.O. 1960, c. 395, s. 2, par. 10, cl. *a*, amended

(5) Clause *b* of paragraph 10 of the said section 2 is amended by inserting after "Gillies" in the first column "Longlac". R.S.O. 1960, c. 395, s. 2, par. 10, cl. *b*, amended

(6) Clause *a* of paragraph 11 of the said section 2 is amended by striking out "McGarry" in the second line. R.S.O. 1960, c. 395, s. 2, par. 11, cl. *a*, amended

(7) Clause *b* of paragraph 11 of the said section 2 is amended by striking out "Matachewan" in the third column and inserting in lieu thereof "McGarry". R.S.O. 1960, c. 395, s. 2, par. 11, cl. *b*, amended

3. This Act may be cited as *The Territorial Division Amendment Act, 1964.* Short title

BILL 38

An Act to amend
The Territorial Division Act

1st Reading

January 31st, 1964

2nd Reading

3rd Reading

MR. SPOONER

1964

BILL 33

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Territorial Division Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 33 **1964**

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *b* of paragraph 3 of section 1 of *The Territorial Division Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 1, par. 3, cl. *a*, re-enacted; cl. *b*, repealed

(*a*) the cities of Eastview, Ottawa.

(2) Clause *c* of paragraph 3 of the said section 1 is amended by adding at the end thereof "Stittsville". R.S.O. 1960, c. 395, s. 1, par. 3, cl. *c*, amended

(3) Clause *c* of paragraph 7 of the said section 1 is amended by inserting after "of" in the first line "Belmont". R.S.O. 1960, c. 395, s. 1, par. 7, cl. *c*, amended

(4) Paragraph 11 of the said section 1 is amended by adding thereto the following clause: R.S.O. 1960, c. 395, s. 1, par. 11, amended

(*aa*) the Town of Kemptville.

(5) Clause *b* of paragraph 11 of the said section 1 is amended by striking out "Kemptville". R.S.O. 1960, c. 395, s. 1, par. 11, cl. *b*, amended

(6) Clause *b* of paragraph 14 of the said section 1 is amended by striking out "Trafalgar" in the second column. R.S.O. 1960, c. 395, s. 1, par. 14, cl. *b*, amended

(7) Clause *a* of paragraph 20 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 1, par. 20, cl. *a*, re-enacted

(*a*) the City of Brockville;

(*aa*) the separated Town of Gananoque.

R.S.O. 1960, c. 395, s. 1, par. 22, cl. *b*, re-enacted

(8) Clause *b* of paragraph 22 of the said section 1 is repealed and the following substituted therefor:

(*b*) the towns of Grimsby, Niagara.

R.S.O. 1960, c. 395, s. 1, par. 22, cl. *d*, amended

(9) Clause *d* of paragraph 22 of the said section 1 is amended by striking out "Grantham" in the first column.

R.S.O. 1960, c. 395, s. 1, par. 27, cl. *d*, amended

(10) Clause *d* of paragraph 27 of the said section 1 is amended by inserting after "of" in the first line "Beachville".

R.S.O. 1960, c. 395, s. 1, par. 28, cl. *a*, re-enacted

(11) Clause *a* of paragraph 28 of the said section 1 is repealed and the following substituted therefor:

(*a*) the towns of Brampton, Port Credit, Streetsville.

R.S.O. 1960, c. 395, s. 1, par. 28, cl. *b*, amended

(12) Clause *b* of paragraph 28 of the said section 1 is amended by striking out "Port Credit" in the first line and by striking out "Streetsville" in the second line.

R.S.O. 1960, c. 395, s. 1, par. 31, cl. *b*, amended

(13) Clause *b* of paragraph 31 of the said section 1 is amended by adding at the end thereof "Plantagenet".

R.S.O. 1960, c. 395, s. 1, par. 33, cl. *b*, amended

(14) Clause *b* of paragraph 33 of the said section 1 is amended by adding at the end thereof "Petawawa".

R.S.O. 1960, c. 395, s. 1, par. 35, cl. *c*, amended

(15) Clause *c* of paragraph 35 of the said section 1 is amended by inserting after "Coldwater" in the first line "Cookstown".

R.S.O. 1960, c. 395, s. 1, par. 38, cl. *c*, amended

(16) Clause *c* of paragraph 38 of the said section 1 is amended by adding at the end thereof "Wellesley".

R.S.O. 1960, c. 395, s. 1, par. 39, cl. *d*, amended

(17) Clause *d* of paragraph 39 of the said section 1 is amended by striking out "Stamford" in the second column.

R.S.O. 1960, c. 395, s. 1, par. 45, cl. *b*, amended

(18) Clause *b* of paragraph 45 of the said section 1 is amended by striking out "Shakleton" in the first column and inserting in lieu thereof "Shackleton".

R.S.O. 1960, c. 395, s. 1, par. 52, cl. *c*, amended

(19) Clause *c* of paragraph 52 of the said section 1 is amended by striking out "McKim" in the first column.

(20) Clause *c* of paragraph 53 of the said section 1 is amended by inserting after "Walters" in the third column "Wardrope". R.S.O. 1960, c. 395, s. 1, par. 53, cl. *c*, amended

2.—(1) Clause *a* of paragraph 2 of section 2 of *The Territorial Division Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 2, par. 2, cl. *a*, re-enacted

(*a*) the Improvement District of Kingham (part).

(2) Clause *a* of paragraph 3 of the said section 2 is amended by inserting after "Balmertown" in the first line "Barclay". R.S.O. 1960, c. 395, s. 2, par. 3, cl. *a*, amended

(3) Clause *b* of paragraph 6 of the said section 2 is amended by inserting before "Bonfield" in the first column "Airy". R.S.O. 1960, c. 395, s. 2, par. 6, cl. *b*, amended

(4) Clause *a* of paragraph 10 of the said section 2 is amended by striking out "Longlac" in the second line. R.S.O. 1960, c. 395, s. 2, par. 10, cl. *a*, amended

(5) Clause *b* of paragraph 10 of the said section 2 is amended by inserting after "Gillies" in the first column "Longlac". R.S.O. 1960, c. 395, s. 2, par. 10, cl. *b*, amended

(6) Clause *a* of paragraph 11 of the said section 2 is amended by striking out "McGarry" in the second line. R.S.O. 1960, c. 395, s. 2, par. 11, cl. *a*, amended

(7) Clause *b* of paragraph 11 of the said section 2 is amended by striking out "Matachewan" in the third column and inserting in lieu thereof "McGarry". R.S.O. 1960, c. 395, s. 2, par. 11, cl. *b*, amended

3. This Act may be cited as *The Territorial Division Amendment Act, 1964*. Short title

An Act to amend
The Territorial Division Act

1st Reading

January 31st, 1964

2nd Reading

February 5th, 1964

3rd Reading

March 25th, 1964

MR. SPOONER

1964

BILL 34

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Game and Fish Act, 1961-62

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. These amendments are designed to improve the administration of the Act in the interests of safety and game conservation.

Section 2. Complementary to subsection 1 of section 1 of this Bill.

BILL 34 **1964**

An Act to amend The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following paragraph: 1961-62, c. 48, s. 1, amended

7*a*. "fire-arm" includes an air or pellet gun and a long-bow and a cross-bow.

(2) Paragraph 14 of the said section 1 is amended by inserting after "hunt" in the sixth line "hunted", so that the paragraph shall read as follows: 1961-62, c. 48, s. 1, par. 14, amended

14. "hunting" includes chasing, pursuing, following after or on the trail of, searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and "hunt", "hunted" and "hunter" have corresponding meanings.

2. Section 18 of *The Game and Fish Act, 1961-62* is amended by striking out "an air-gun or" in the second line and inserting in lieu thereof "a" and by striking out "air-gun or" in the fourth line, so that the section shall read as follows: 1961-62, c. 48, s. 18, amended

18. Every person is guilty of the offence of hunting carelessly who, being in possession of a fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both. Offence of hunting carelessly

1961-62, c. 48, s. 20, subs. 1, cl. *a*, amended

3.—(1) Clause *a* of subsection 1 of section 20 of *The Game and Fish Act, 1961-62* is amended by striking out "air-gun or" in the first line, so that the clause shall read as follows:

(*a*) have a loaded fire-arm in or on, or discharge the same from, an aircraft or a vehicle; or

. . . . .

1961-62, c. 48, s. 20, subs. 1, cl. *b*, amended

(2) Clause *b* of subsection 1 of the said section 20 is amended by striking out "an air-gun or" in the first line and inserting in lieu thereof "a", so that the clause shall read as follows:

(*b*) discharge a fire-arm from or across the travelled portion of a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles.

1961-62, c. 48, s. 20, subs. 2, amended

(3) Subsection 2 of the said section 20 is amended by striking out "air-gun or" in the third line, so that the subsection shall read as follows:

Fire-arms in power-boats R.S.C. 1952, c. 179

(2) Except as otherwise provided in the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, no person shall have a loaded fire-arm in or on, or discharge the same from, a power-boat.

1961-62, c. 48, s. 22, amended

4. Section 22 of *The Game and Fish Act, 1961-62* is amended by striking out "an air-gun or" in the second line and inserting in lieu thereof "a" and by striking out "for the purpose of hunting" in the third line, so that the section shall read as follows:

Prohibition as to guns

22. In a locality that game usually inhabits or in which game is usually found, no person shall have a fire-arm in his possession, unless it is unloaded and encased, between one-half hour after sunset and one-half hour before sunrise of any day.

1961-62, c. 48, s. 23, amended

5. Section 23 of *The Game and Fish Act, 1961-62* is amended by inserting after "fire-arm" in the second line "of a calibre or type prescribed by the regulations", so that the section shall read as follows:

Exception, raccoon hunting

23. Notwithstanding section 22, the holder of a licence to hunt raccoon may possess or use a fire-arm of a calibre or type prescribed by the regulations for the purpose of hunting raccoon during the open season therefor when accompanied by a dog licensed therefor.

SECTION 3. These amendments are complementary to subsection 1 of section 1 of this Bill.

SECTION 4. The first of the two amendments is complementary to subsection 1 of section 1 of this Bill, and the second, the deletion of the words "for the purpose of hunting", is in the interest of proper law enforcement.

SECTION 5. The amendment will enable the types of fire-arm that may be used in raccoon hunting to be prescribed by the regulations.

SECTION 6. A set-gun is a gun that is discharged by a spring or similar device when this is trodden upon or otherwise moved.

SECTION 7. The refund of licence fees is restricted to cases where the licence was not used because of sickness, accident or death.

SECTION 8. The provision respecting licence issuers is strengthened.

SECTION 9. The right to repeal municipal by-laws that provide for hunting licences is clarified.

SECTION 10. Self-explanatory.

6. *The Game and Fish Act, 1961-62* is amended by adding thereto the following section: 1961-62, c. 48, amended

27*a*. No person shall use a set-gun in hunting game. Set-guns

7. Subsection 4 of section 34 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 48, s. 34, subs. 4, re-enacted

(4) The Minister may direct the refund of the fee paid for any licence where, owing to the licence not having been used by reason of sickness, accident or death, he deems it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made. Refund of fees

8. Subsection 2 and 3 of section 36 of *The Game and Fish Act, 1961-62* are repealed and the following substituted therefor: 1961-62, c. 48, s. 36, subss. 2, 3, re-enacted

(2) The Minister may authorize any person to issue licences, and such issuers of licences shall have the powers and duties prescribed by the manual of licence-issuing instructions authorized by the Minister. Idem

(3) Every issuer of licences shall be deemed to be a trustee of the Crown of the licence fees collected by him or on his behalf. Licence issuers as trustees

(4) Every issuer of licences shall comply with the manual of licence-issuing instructions, and, if he fails so to do, he is guilty of an offence against this Act. Duties, etc., of licensees

(5) No person shall possess a licence that does not exhibit the name of the holder or that is ante-dated or undated or a material part of which is not completed. Licence in blank

9. Section 37 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection: 1961-62, c. 48, s. 37, amended

(4) The Minister may in writing authorize the repeal of a by-law passed under subsection 1, and the repealing by-law may provide for the refund, in whole or in part, of licence fees paid for licences issued under the repealed by-law. Repeal of by-laws

10. *The Game and Fish Act, 1961-62* is amended by adding thereto the following heading and section: 1961-62, c. 48, amended

ILLEGAL POSSESSION OF GAME

Possession of game

37*b*. No person shall knowingly possess any game hunted in contravention of this Act or the regulations.

1961-62, c. 48, s. 43, subs. 1, amended

11. Subsection 1 of section 43 of *The Game and Fish Act, 1961-62* is amended by inserting after "sell" in the second line "offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of", so that the subsection shall read as follows:

Licence for sale of game animal

(1) Except under the authority of a licence and subject to the regulations, no person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of a game animal or possess a game animal for sale.

1961-62, c. 48, s. 47, amended

12. Section 47 of *The Game and Fish Act, 1961-62* is amended by striking out "and" in the third line and by adding at the end thereof "and birds, other than pheasants or Hungarian partridge, released under section 29", so that the section shall read as follows:

Hunting birds

47. No person shall hunt any game bird during the closed season or any other bird at any time, except crows, cowbirds, blackbirds, starlings, house-sparrows and birds, other than pheasants or Hungarian partridge, released under section 29.

1961-62, c. 48, s. 64, subs. 1, re-enacted

13. Subsection 1 of section 64 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

No traffic in certain fish

(1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but, under the authority of a licence and subject to such terms and conditions as are prescribed by the regulations, a person may sell,

(*a*) smallmouth bass, largemouth bass, brook trout or rainbow trout for the purpose of stocking; and

(*b*) brook trout and rainbow trout for human consumption.

SECTION 11. The provisions respecting the sale of game are strengthened.

SECTION 12. The right is given to hunt certain non-native birds.

SECTION 13. The provision is re-enacted to prohibit the sale of brown, Kamloops and Aurora trout.

SECTION 14. Self-explanatory.

SECTIONS 15. Complementary to subsection 1 of section 1 of this Bill.

SECTION 16—Subsection 1. The power to make regulations is extended.

14. Subsection 1 of section 71 of *The Game and Fish Act, 1961-62* is amended by striking out "fourteen" in the fourth line and inserting in lieu thereof "ten", so that the subsection shall read as follows: 1961-62, c. 48, s. 71, subs. 1, amended

(1) Except under the authority of a licence issued on such terms and conditions as are prescribed by the regulations, no person shall keep live game or a wolf in captivity for more than ten days. Live game kept in captivity

15. Subsection 2 of section 80 of *The Game and Fish Act, 1961-62* is amended by striking out "an air-gun or" in the seventh line and inserting in lieu thereof "a", so that the subsection shall read as follows: 1961-62, c. 48, s. 80, subs. 2, amended

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385 or 386 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, committed while using or in possession of a fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order. Cancellation and prohibition against issue of licences R.S.O. 1960, c. 152 R.S.C. 1952, c. 179 1953-54, c. 51 (Can.)

16.—(1) Section 83 of *The Game and Fish Act, 1961-62*, as amended by section 6 of *The Game and Fish Amendment Act, 1962-63*, is further amended by adding thereto the following paragraphs: 1961-62, c. 48, s. 83, amended

1*a*. requiring and prescribing the issue, form, duration and terms and conditions of coupons or tags to be issued with any licence, and requiring the licensee to make such use thereof as is prescribed;

1*b*. prescribing the calibre and type of fire-arms that may be used under section 23;

. . . . .

13*a*. prohibiting and regulating entry on Crown game preserves on Crown land.

1961-62, c. 48, s. 83, par. 22, amended

(2) Paragraph 22 of the said section 83 is amended by striking out "air-guns or" in the second line, so that the paragraph shall read as follows:

22. regulating, restricting or prohibiting the possession or use of fire-arms for the purpose of hunting.

1961-62, c. 48, s. 83, par. 24, re-enacted

(3) Paragraph 24 of the said section 83 is repealed and the following substituted therefor:

24. governing the sale under clause *a* or *b* of subsection 1 of section 64 of smallmouth bass, largemouth bass, brook trout or rainbow trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed.

Commencement

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. This Act may be cited as *The Game and Fish Amendment Act, 1964.*

Subsection 2. Complementary to subsection 1 of section 1 of this Bill.

Subsection 3. Complementary to section 14 of this Bill.

An Act to amend
The Game and Fish Act, 1961-62

1st Reading

January 31st, 1964

2nd Reading

3rd Reading

MR. ROBERTS

1964

BILL 34

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Game and Fish Act, 1961-62

MR. ROBERTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 34 **1964**

An Act to amend The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following paragraph: 1961-62, c. 48, s. 1, amended

7*a*. "fire-arm" includes an air or pellet gun and a long-bow and a cross-bow.

(2) Paragraph 14 of the said section 1 is amended by inserting after "hunt" in the sixth line "hunted", so that the paragraph shall read as follows: 1961-62, c. 48, s. 1, par. 14, amended

14. "hunting" includes chasing, pursuing, following after or on the trail of, searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and "hunt", "hunted" and "hunter" have corresponding meanings.

2. Section 18 of *The Game and Fish Act, 1961-62* is amended by striking out "an air-gun or" in the second line and inserting in lieu thereof "a" and by striking out "air-gun or" in the fourth line, so that the section shall read as follows: 1961-62, c. 48, s. 18, amended

18. Every person is guilty of the offence of hunting carelessly who, being in possession of a fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both. Offence of hunting carelessly

1961-62, c. 48, s. 20, subs. 1, cl. *a*, amended

3.—(1) Clause *a* of subsection 1 of section 20 of *The Game and Fish Act, 1961-62* is amended by striking out "air-gun or" in the first line, so that the clause shall read as follows:

(*a*) have a loaded fire-arm in or on, or discharge the same from, an aircraft or a vehicle; or

. . . . .

1961-62, c. 48, s. 20, subs. 1, cl. *b*, amended

(2) Clause *b* of subsection 1 of the said section 20 is amended by striking out "an air-gun or" in the first line and inserting in lieu thereof "a", so that the clause shall read as follows:

(*b*) discharge a fire-arm from or across the travelled portion of a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles.

1961-62, c. 48, s. 20, subs. 2, amended

(3) Subsection 2 of the said section 20 is amended by striking out "air-gun or" in the third line, so that the subsection shall read as follows:

Fire-arms in power-boats R.S.C. 1952, c. 179

(2) Except as otherwise provided in the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, no person shall have a loaded fire-arm in or on, or discharge the same from, a power-boat.

1961-62, c. 48, s. 22, amended

4. Section 22 of *The Game and Fish Act, 1961-62* is amended by striking out "an air-gun or" in the second line and inserting in lieu thereof "a" and by striking out "for the purpose of hunting" in the third line, so that the section shall read as follows:

Prohibition as to guns

22. In a locality that game usually inhabits or in which game is usually found, no person shall have a fire-arm in his possession, unless it is unloaded and encased, between one-half hour after sunset and one-half hour before sunrise of any day.

1961-62, c. 48, s. 23, amended

5. Section 23 of *The Game and Fish Act, 1961-62* is amended by inserting after "fire-arm" in the second line "of a calibre or type prescribed by the regulations", so that the section shall read as follows:

Exception, raccoon hunting

23. Notwithstanding section 22, the holder of a licence to hunt raccoon may possess or use a fire-arm of a calibre or type prescribed by the regulations for the purpose of hunting raccoon during the open season therefor when accompanied by a dog licensed therefor.

6. *The Game and Fish Act, 1961-62* is amended by adding thereto the following section: 1961-62, c. 48, amended

27*a*. No person shall use a set-gun in hunting game. Set-guns

7. Subsection 4 of section 34 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 48, s. 34, subs. 4, re-enacted

(4) The Minister may direct the refund of the fee paid for any licence where, owing to the licence not having been used by reason of sickness, accident or death, he deems it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made. Refund of fees

8. Subsections 2 and 3 of section 36 of *The Game and Fish Act, 1961-62* are repealed and the following substituted therefor: 1961-62, c. 48, s. 36, subss. 2, 3, re-enacted

(2) The Minister may authorize any person to issue licences, and such issuers of licences shall have the powers and duties prescribed by the manual of licence-issuing instructions authorized by the Minister. Idem

(3) Every issuer of licences shall be deemed to be a trustee of the Crown of the licence fees collected by him or on his behalf. Licence issuers as trustees

(4) Every issuer of licences shall comply with the manual of licence-issuing instructions, and, if he fails so to do, he is guilty of an offence against this Act. Duties, etc., of licensees

(5) No person shall possess a licence that does not exhibit the name of the holder or that is ante-dated or undated or a material part of which is not completed. Licence in blank

9. Section 37 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection: 1961-62, c. 48, s. 37, amended

(4) The Minister may in writing authorize the repeal of a by-law passed under subsection 1, and the repealing by-law may provide for the refund, in whole or in part, of licence fees paid for licences issued under the repealed by-law. Repeal of by-laws

10. *The Game and Fish Act, 1961-62* is amended by adding thereto the following heading and section: 1961-62, c. 48, amended

ILLEGAL POSSESSION OF GAME

Possession of game

37*b*. No person shall knowingly possess any game hunted in contravention of this Act or the regulations.

1961-62, c. 48, s. 43, subs. 1, amended

11. Subsection 1 of section 43 of *The Game and Fish Act, 1961-62* is amended by inserting after "sell" in the second line "offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of", so that the subsection shall read as follows:

Licence for sale of game animal

(1) Except under the authority of a licence and subject to the regulations, no person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of a game animal or possess a game animal for sale.

1961-62, c. 48, s. 47, amended

12. Section 47 of *The Game and Fish Act, 1961-62* is amended by striking out "and" in the third line and by adding at the end thereof "and birds, other than pheasants or Hungarian partridge, released under section 29", so that the section shall read as follows:

Hunting birds

47. No person shall hunt any game bird during the closed season or any other bird at any time, except crows, cowbirds, blackbirds, starlings, house-sparrows and birds, other than pheasants or Hungarian partridge, released under section 29.

1961-62, c. 48, s. 64, subs. 1, re-enacted

13. Subsection 1 of section 64 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

No traffic in certain fish

(1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but, under the authority of a licence and subject to such terms and conditions as are prescribed by the regulations, a person may sell,

(*a*) smallmouth bass, largemouth bass, brook trout or rainbow trout for the purpose of stocking; and

(*b*) brook trout and rainbow trout for human consumption.

14. Subsection 1 of section 71 of *The Game and Fish Act, 1961-62* is amended by striking out "fourteen" in the fourth line and inserting in lieu thereof "ten", so that the subsection shall read as follows:

1961-62, c. 48, s. 71, subs. 1, amended

(1) Except under the authority of a licence issued on such terms and conditions as are prescribed by the regulations, no person shall keep live game or a wolf in captivity for more than ten days.

Live game kept in captivity

15. Subsection 2 of section 80 of *The Game and Fish Act, 1961-62* is amended by striking out "an air-gun or" in the seventh line and inserting in lieu thereof "a", so that the subsection shall read as follows:

1961-62, c. 48, s. 80, subs. 2, amended

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385 or 386 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, committed while using or in possession of a fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order.

Cancellation and prohibition against issue of licences

R.S.O. 1960, c. 152

R.S.C. 1952, c. 179

1953-54, c. 51 (Can.)

16.—(1) Section 83 of *The Game and Fish Act, 1961-62*, as amended by section 6 of *The Game and Fish Amendment Act, 1962-63*, is further amended by adding thereto the following paragraphs:

1961-62, c. 48, s. 83, amended

1*a*. requiring and prescribing the issue, form, duration and terms and conditions of coupons or tags to be issued with any licence, and requiring the licensee to make such use thereof as is prescribed;

1*b*. prescribing the calibre and type of fire-arms that may be used under section 23;

. . . . .

13*a*. prohibiting and regulating entry on Crown game preserves on Crown land.

1961-62, c. 48, s. 83, par. 22, amended

(2) Paragraph 22 of the said section 83 is amended by striking out "air-guns or" in the second line, so that the paragraph shall read as follows:

22. regulating, restricting or prohibiting the possession or use of fire-arms for the purpose of hunting.

1961-62, c. 48, s. 83, par. 24, re-enacted

(3) Paragraph 24 of the said section 83 is repealed and the following substituted therefor:

24. governing the sale under clause *a* or *b* of subsection 1 of section 64 of smallmouth bass, largemouth bass, brook trout or rainbow trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed.

Commencement

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. This Act may be cited as *The Game and Fish Amendment Act, 1964.*

An Act to amend
The Game and Fish Act, 1961-62

1st Reading

January 31st, 1964

2nd Reading

February 12th, 1964

3rd Reading

March 25th, 1964

MR. ROBERTS

1964

BILL 35

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Statute Labour Act

MR. SOPHA

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The section repealed authorizes cities, towns, villages and townships to levy a poll tax.

BILL 35 **1964**

An Act to amend The Statute Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Statute Labour Act* is repealed. R.S.O. 1960, c. 382, s. 3, repealed

2. This Act may be cited as *The Statute Labour Amendment Act, 1964.* Short title

An Act to amend The Statute Labour Act

1st Reading

February 3rd, 1964

2nd Reading

3rd Reading

MR. SOPHA

1964

BILL 36

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Agriculture Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendment permits the making of grants by a municipality to a veterinary fund in a territorial district.

BILL 36 **1964**

An Act to amend The Department of Agriculture Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Agriculture Act* is amended by adding thereto the following section: R.S.O. 1960, c. 92, amended

5*a*. Where a programme has been established under section 5 to provide for veterinary services in one or more than one territorial district and a veterinary agricultural committee has been established, any municipality may make grants to a veterinary fund, administered by the veterinary agricultural committee, from which payments are made to provide for the veterinary services in the territorial district. Grants to veterinary fund

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Department of Agriculture Amendment Act, 1964 (No. 2)*. Short title

BILL 36

An Act to amend
The Department of Agriculture Act

1st Reading

February 10th, 1964

2nd Reading

3rd Reading

MR. STEWART

1964

BILL 36

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Agriculture Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 36 **1964**

An Act to amend The Department of Agriculture Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Agriculture Act* is amended by adding thereto the following section: R.S.O. 1960, c. 92, amended

5*a*. Where a programme has been established under section 5 to provide for veterinary services in one or more than one territorial district and a veterinary agricultural committee has been established, any municipality may make grants to a veterinary fund, administered by the veterinary agricultural committee, from which payments are made to provide for the veterinary services in the territorial district. Grants to veterinary fund

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Department of Agriculture Amendment Act, 1964 (No. 2)*. Short title

An Act to amend
The Department of Agriculture Act

1st Reading

February 10th, 1964

2nd Reading

February 12th, 1964

3rd Reading

March 25th, 1964

MR. STEWART

1964

BILL 37

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Operating Engineers Act, 1964

MR. ROWNTREE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

General: This is the first major revision of this Act since 1953.

This Bill implements the principal recommendations of the Special Committee on Revisions to *The Operating Engineers Act* and its Regulations appointed by the Minister of Labour.

Generally, the new Act brings the law governing boiler plants, compressor plants and refrigeration plants into line with modern technological practices.

Among the major changes in principle are the following:

1. The method of rating plants is changed from a horse-power basis to a Therm-hour basis.

2. In order to have a necessary degree of flexibility to meet today's rapidly changing conditions, the plant requirements as to qualified operating personnel are transferred from the Act to the regulations.

BILL 37 **1964**

The Operating Engineers Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

1. "Board" means the Board of Examiners appointed for the purposes of this Act; R.S.O. 1960, c. 282, s. 1, par. 1.

2. "boiler" means a fired pressure vessel in which steam may be generated or heated or in which water may be put under pressure by heating, and includes any pipe, fitting, superheater and other equipment attached thereto or used in connection therewith; *New.*

3. "brake horse-power" means the effective or useful horse-power developed by a prime mover as measured by a weigh-scale and a brake applied to its driving shaft or by other means approved by the Board, and one brake horse-power is equivalent to 2,544 British thermal units per hour or to 0.02544 Therm-hours; R.S.O. 1960, c. 282, s. 1, par. 2, *amended.*

4. "certificate of qualification" means a certificate of qualification issued under this Act to an operating engineer or an operator; R.S.O. 1960, c. 282, s. 1, par. 3, *amended.*

5. "certificate of registration" means a subsisting certificate of registration issued under this Act for a plant; R.S.O. 1960, c. 282, s. 1, par. 4, *amended.*

6. "chief operating engineer" means an operating engineer who at all times has charge of and the responsibility for the safe operation of a plant, and has

such other powers and duties respecting the plant and persons therein as are prescribed in the regulations; R.S.O. 1960, c. 282, s. 1, par. 5, *amended.*

7. "chief operator" means an operator or an operating engineer who at all times has charge of and the responsibility for the safe operation of a compressor plant or a refrigeration plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in the regulations; R.S.O. 1960, c. 282, s. 1, par. 6, *amended.*

8. "compressor plant" means an installation comprised of one or more compressors, prime movers and the equipment used in connection therewith for compressing but not liquefying air or any other gas to a pressure of more than 15, and, in the case of one compressor, its prime mover has a Therm-hour rating of more than 1.91 and, in the case of more than one compressor, each of the prime movers has a Therm-hour rating of more than 1.143; R.S.O. 1960, c. 282, s. 1, par. 7, *amended.*

9. "fired vessel" means a vessel that is heated or its contents are heated by,

   i. a flame or the hot gases of combustion,

   ii. electricity,

   iii. rays from a radioactive source, or

   iv. molecular agitation arising from the process of fission; *New.*

10. "high pressure stationary power plant" means an installation comprised of one or more boilers any one of which has a rating of 400 or more Therm-hours and whose safety valves are set to relieve the pressure at 1,000 or more and where the total Therm-hour rating of the plant (made up of the rating of every boiler, of every compressor, other than refrigeration compressors, having a Therm-hour rating greater than 1.143, and of every refrigeration compressor having a Therm-hour rating greater than 0.763) is greater than 13,500; R.S.O. 1960, c. 282, s. 1, par. 8, *amended.*

11. "hoisting plant" means a hoist equipped with,

i. a drum and a hoisting rope or chain, or

ii. a hydraulic pump,

that is driven by a prime mover other than steam and used for raising, lowering or swinging material where the total Therm-hour rating of the prime mover is more than 0.636; R.S.O. 1960, c. 282, s. 1, par. 9, *amended.*

12. "inspector" means an inspector appointed for the purposes of this Act; R.S.O. 1960, c. 282, s. 1, par. 12.

13. "low pressure stationary plant" means an installation comprised of,

i. one or more boilers at least one of which has a Therm-hour rating of more than 50, or two or more boilers each of which has a Therm-hour rating of more than 30,

a. containing steam at a pressure of 15 or less, or

b. water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F.,

and in addition a low pressure stationary plant may have,

ii. a compressor, other than a refrigeration compressor, with a Therm-hour rating of more than 1.143 or a refrigeration compressor with a Therm-hour rating of more than 0.763; R.S.O. 1960, c. 282, s. 1, par. 13, *amended.*

14. "Minister" means the Minister of Labour; R.S.O. 1960, c. 282, s. 1, par. 14.

15. "operating engineer" or "operator" means a person who is the holder of a subsisting certificate of qualification; R.S.O. 1960, c. 282, s. 1, par. 15, *amended.*

16. "plant" means a high pressure stationary power plant, stationary power plant, low pressure stationary plant, steam-powered plant, compressor plant, refrigeration plant or any combination thereof, or a

hoisting plant, steam hoisting plant or a temporary heating plant; R.S.O. 1960, c. 282, s. 1, par. 17, *amended.*

17. "pressure" means pressure in pounds per square inch above normal atmospheric pressure; R.S.O. 1960, c. 282, s. 1, par. 18, *amended.*

18. "prime mover" means an initial source of motive power, and includes an electric motor, an internal combustion engine, a steam engine and a steam turbine; *New.*

19. "refrigerant" means a substance that may be used to produce refrigeration by its expansion or evaporation; R.S.O. 1960, c. 282, s. 1, par. 19, *amended.*

20. "refrigeration plant" means an installation comprised of one or more refrigeration compressors, prime movers and the equipment used in connection therewith for compressing a refrigerant to a pressure of more than 15, and, in the case of one refrigeration compressor, its prime mover has a Therm-hour rating of more than 1.272, and, in the case of more than one refrigeration compressor, each of the prime movers has a Therm-hour rating of more than 0.763; R.S.O. 1960, c. 282, s. 1, par. 20, *amended.*

21. "regulations" means the regulations made under this Act; R.S.O. 1960, c. 282, s. 1, par. 23.

22. "shift engineer" means an operating engineer who has charge of and operates a plant under the direction and supervision of a chief operating engineer, and who has the authority to perform the powers and duties of the chief operating engineer when the chief operating engineer is absent from the plant; R.S.O. 1960, c. 282, s. 1, par. 24, *amended.*

23. "shift operator" means an operator or operating engineer who has charge of and operates a compressor or refrigeration plant under the direction and supervision of a chief operator or a chief operating engineer, and who has the authority to perform the powers and duties of the chief operator or the chief operating engineer when the chief operator or the chief operating engineer is absent from the plant; R.S.O. 1960, c. 282, s. 1, par. 25, *amended.*

24. "stationary power plant" means an installation comprised of,

i. one or more boilers at least one of which has a Therm-hour rating of more than 17, or two or more boilers each with a Therm-hour rating of more than 10,

a. containing steam at a pressure of more than 15 and less than 1,000, or

b. containing water at a temperature at any boiler outlet of more than 250°F.,

and in addition a stationary power plant may have,

ii. one or more boilers with a Therm-hour rating of more than 30 and containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F.; or

iii. a compressor, other than a refrigeration compressor, with a Therm-hour rating of more than 1.143 or a refrigeration compressor with a Therm-hour rating of more than 0.763; *New.*

25. "steam hoisting plant" means a hoist equipped with,

i. a drum and a hoisting rope or chain, or

ii. a hydraulic pump,

that is driven by a steam-driven prime mover and used for raising, lowering or swinging material; R.S.O. 1960, c. 282, s. 1, par. 26, *amended.*

26. "steam-powered plant" means a turbine or engine having a Therm-hour rating of more than 3.816 driven by steam supplied,

i. from a boiler that is not owned or under the control of the user of the turbine or engine, or

ii. from another plant; R.S.O. 1960, c. 282, s. 1, par. 25, *amended.*

27. "temporary heating plant" means one or more boilers, with or without compressors, that supply heat to a project as defined in *The Construction Safety Act,* 1961-62, c. 18 *1961-62* or to a shaft, tunnel, caisson or cofferdam to

R.S.O. 1960, c. 97

which the regulations made under subsection 1 of section 10 of *The Department of Labour Act* apply and that operates at a pressure,

i. of not more than 15 and has a total Therm-hour rating of more than 50, or

ii. more than 15 and has a total Therm-hour rating of more than 17;

28. "Therm-hour" means 100,000 British thermal units per hour or 39.308 horse-power; *New.*

29. "Therm-hour rating" means the Therm-hour rating of a plant as determined under this Act or the regulations; R.S.O. 1960, c. 282, s. 1, par. 21, *amended.*

30. "user" means the person in control of a plant as owner, lessee or otherwise, but does not include its operating engineer or operator as such. *New.*

Exemptions

2. This Act does not apply to,

(*a*) a person who performs work in connection with a plant other than the actual operation of it;

(*b*) a person, other than an operating engineer or operator, engaged in installing, testing or repairing a plant; R.S.O. 1960, c. 282, s. 2, cl. (*b*).

R.S.O. 1960, c. 119

(*c*) an elevator or lift as defined in *The Elevators and Lifts Act*; *New.*

R.S.O. 1960, c. 241

(*d*) a shaft-hoist or other hoist used in mining within the meaning of *The Mining Act*; R.S.O. 1960, c. 282, s. 2, cl. (*c*), *amended.*

(*e*) an overhead bridge-type crane that is not equipped with a boiler and that operates on a fixed runway; *New.*

(*f*) a plant that is subject to inspection by the Board of Transport Commissioners for Canada or The Energy Board of Canada; R.S.O. 1960, c. 282, s. 2, cl. (*g*), *amended.*

(*g*) any boiler used in connection with an open-type hot water heating system where there are no intervening valves between the boiler and any direct vent to the atmosphere; R.S.O. 1960, c. 282, s. 2, cl (*h*), *amended.*

(*h*) a stationary power plant or low pressure stationary plant while used in connection with any growing operation except a growing operation being carried on in a greenhouse where any person, other than the user of the plant or his immediate family, is employed or works in connection with the growing operation; R.S.O. 1960, c. 282, s. 2, cl. (*f*), *amended*.

(*i*) a hoisting device,

(i) that is used exclusively for raising, lowering or towing motor vehicles,

(ii) that is mounted on a motor vehicle used exclusively for fire fighting,

(iii) that is mounted on a motor vehicle and used exclusively for loading or unloading materials carried by the motor vehicle, or

(iv) of a class that is exempted by the regulations;

(*j*) a compressor used in the generation or distribution of electricity in a place in which no person normally works and where the compressor is controlled automatically or by remote manual control;

(*k*) a compressor that operates at a pressure of 15 or less. *New*.

Board, appointment

3.—(1) There shall be a Board of Examiners composed of not fewer than four members, one of whom may be designated as chairman.

Quorum

(2) A majority of the members of the Board constitutes a quorum whether or not a vacancy exists on the Board.

Function

(3) Subject to the direction and control of the Minister, it is the duty of the Board to administer and enforce this Act and the regulations. R.S.O. 1960, c. 282, s. 3, *amended*.

Inspectors

4.—(1) There shall be appointed one or more inspectors to carry out inspections for the purposes of this Act. R.S.O. 1960, c. 282, s. 4 (1), *amended*.

Power of entry

(2) Any member of the Board, any inspector or any person authorized in writing by the Minister may enter and inspect any building or premises where he has reason to believe a plant is being installed or operated. R.S.O. 1960, c. 282, s. 4 (2).

Information

5.—(1) The Board may, as it deems necessary for the purposes of this Act, require a user or a manufacturer of a boiler or prime mover,

(*a*) to furnish it with information; or

(*b*) to perform tests to establish the proper Therm-hour rating of a boiler or prime mover.

Rating by actual test

(2) Where a test to establish the Therm-hour rating is performed under clause *b* of subsection 1 in a manner satisfactory to the Board, the rating as established by the test is the Therm-hour rating, notwithstanding sections 11, 12 and 13. *New.*

Registration of plants

6.—(1) Every user of a plant shall, before operating it, register it with the Board. R.S.O. 1960, c. 282, s. 5 (1), *amended.*

Idem

(2) Where two or more plants of a user are located on the same premises, such plants shall, unless the Board determines otherwise, be registered as one plant. R.S.O. 1960, c. 282, s. 5 (2), *amended.*

Certificates of registration and registration plates

7.—(1) The Board, upon application thereto in the prescribed form and upon payment of the prescribed fee, shall issue to the user of a plant a certificate of registration or a registration plate, as the case requires.

Contents of certificates of registration

(2) Every certificate of registration shall show,

(*a*) the name of the user of the plant;

(*b*) the Therm-hour rating of the plant;

(*c*) the maximum pressures at which the safety valves on boilers, compressors or refrigeration compressors are respectively set to relieve pressure; and

(*d*) the classes of operating engineers or operators required for the plant. R.S.O. 1960, c. 282, s. 6, *amended.*

Contents of registration plates

(3) Every registration plate shall show,

(*a*) the registration number; and

(*b*) the Therm-hour rating of the plant. *New.*

8.—(1) Subject to subsection 2, every certificate of registration shall be displayed conspicuously in the engine room, compressor room or boiler room of the plant in respect of which the certificate was issued. R.S.O. 1960, c. 282, s. 7, *amended.* Posting of certificate of registration

(2) The user of a hoisting plant or a steam hoisting plant shall display the registration plate, issued in respect of the plant, in the cab or in some equally protected position in the plant. *New.* Display of plate

9. Where the setting of a safety valve of a registered plant is changed or where the Therm-hour rating of a registered plant is changed and the change is sufficient to change the classes of operating engineers or operators required for the plant, the user of such plant shall notify the Board in writing within fifteen days with full particulars of such change in setting or Therm-hour rating and shall return the certificate of registration to the Board together with the prescribed plant registration application form and prescribed fee, and thereupon the Board shall issue a new certificate of registration or a new registration plate, as the case may be, for the plant. R.S.O. 1960, c. 282, s. 5 (3, 4), *amended.* Re-registration

10. The registered horse-power of every plant in use before this Act came into force shall be converted from a horse-power basis to a Therm-hour basis in accordance with the regulations. *New.* Plants in use heretofore

11.—(1) In this section, Interpretation

(*a*) "altered" means that the maximum capacity of the boiler to heat water or to generate or heat steam has been changed;

(*b*) "installed" means that the boiler is so placed and so equipped that it is ready for use, and "re-installed" has a corresponding meaning.

(2) The Therm-hour rating of a boiler, other than an electric boiler, that is installed, re-installed or altered after this Act came into force shall be the maximum number of British thermal units in the total heat content of the water or steam entering its inlet subtracted from the total heat content of the water or steam leaving its outlet per hour, as determined by its manufacturer for its normal, continuous operation, divided by 100000. Therm-hour rating, boilers

(3) The Therm-hour rating of an electric boiler that is installed, re-installed or altered after this Act came into force shall be the maximum number of kilowatts supplied to the Idem, electric boilers

boiler per hour, as determined by its manufacturer for its normal, continuous operation, multiplied by 3413 and divided by 100000. *New.*

Therm-hour rating, prime movers

12. The Therm-hour rating of a prime mover, other than an electric motor or an internal combustion engine, is the maximum brake horse-power as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544. *New.*

Therm-hour rating, electric motors

13.—(1) The Therm-hour rating of an electric motor is the lesser of,

(*a*) the maximum brake horse-power, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544; or

(*b*) the maximum kilowatt rating of the motor, as determined by its manufacturer for its normal, continuous operation, modified where necessary for the type of service in which it is used, multiplied by 0.03413.

Idem, internal combustion engines

(2) The Therm-hour rating of an internal combustion engine shall be established in accordance with the regulations. *New.*

Therm-hour rating, plants

14.—(1) The Therm-hour rating,

(*a*) of a high pressure stationary power plant or a stationary power plant is the sum of the Therm-hour ratings of its boilers and of the prime movers of its compressors;

(*b*) of a low pressure stationary plant is the sum of the Therm-hour ratings of its boilers and of the prime movers of its compressors;

(*c*) of a compressor plant that has motive power other than steam is 13.15 times the sum of the Therm-hour ratings of the prime movers of its compressors;

(*d*) of a refrigeration plant that has motive power other than steam is 13.15 times the sum of the Therm-hour ratings of the prime movers of its compressors;

(*e*) of a steam-powered plant is 13.15 times the sum of the Therm-hour ratings of its prime movers. R.S.O. 1960, c. 282, s. 9 (1), *amended.*

(2) Where two or more plants of a user are located on the same premises and are registered as a plant, its Therm-hour rating shall be determined by the Board. *New.* Idem, combination plants

15. When the chief operating engineer, chief operator, shift engineer or shift operator of a plant is absent from the engine room, compressor room or boiler room or, where the plant is not enclosed, is absent from its immediate vicinity under the circumstances and for the periods permitted by the regulations, an operating engineer or operator holding a certificate of qualification that is not more than one class lower than the certificate of qualification required by the regulations for the plant shall be present in the room or, where the plant is not enclosed, in the immediate vicinity, as the case may be, and shall perform the duties of the person who is absent. R.S.O. 1960, c. 282, s. 14, *amended.* Periods of absence

16. Where a plant has been operated by an operating engineer or an operator in compliance with this Act and the regulations and the Therm-hour rating of the plant is increased so that the operating engineer or operator, as the case may be, is no longer qualified to operate the plant and he has operated the plant continuously for three consecutive years immediately before the increase, he may continue to operate the plant for such period and under such terms and conditions as the regulations prescribe. R.S.O. 1960, c. 282, s. 26, *amended.* Increase in Therm-hour rating

17. Subject to section 18, the Board shall issue, in accordance with the regulations, a certificate of qualification to any person who, Certificates of qualification

(*a*) shows proof satisfactory to the Board of the experience required by the regulations;

(*b*) passes the examinations conducted by the Board; and

(*c*) pays the prescribed fee. R.S.O. 1960, c. 282, s. 20 (1), *amended.*

18.—(1) The Board may, upon payment of the prescribed fee and in accordance with the regulations, issue a provisional certificate of qualification without examination to any person who, in the opinion of the Board, holds a subsisting certificate issued by another province of Canada that qualifies the person to perform the work and duties of an operating engineer or operator in such province. Provisional certificates of qualification

(2) A provisional certificate under subsection 1 shall be one grade lower than the certificate of qualification that, in the opinion of the Board, corresponds to the certificate issued by the other province. Status

Term

(3) Every provisional certificate of qualification remains in force for one year from the date of issue, unless sooner suspended or cancelled, and is not renewable. R.S.O. 1960, c. 282, s. 20 (2, 3), *amended.*

Term of certificates

19.—(1) Subject to subsection 3 of section 18, every certificate of qualification remains in force during the calendar year in which it is issued and until the date of renewal in the following year. R.S.O. 1960, c. 282, s. 24 (1), *amended.*

Renewal

(2) Every operating engineer and operator shall pay annually the prescribed renewal fee on or before the last day of January of the year next following the year of issue or renewal of his certificate, and upon payment thereof the Board shall renew the certificate. R.S.O. 1960, c. 282, s. 24 (2), *amended.*

Re-instatement of certificates

20. The Board shall not re-instate and renew a certificate of qualification,

(*a*) where the prescribed re-instatement fee has not been paid; or

(*b*) where the prescribed fee has not been paid for five consecutive years. R.S.O. 1960, c. 282, s. 24 (3), *amended.*

Cancellation and suspension of certificates

21.—(1) The Board may cancel or suspend a certificate of qualification if the operating engineer or operator,

(*a*) is habitually intemperate in his use of alcoholic beverages or is addicted to the use of drugs;

(*b*) operates a plant when his ability to do so is impaired by alcohol or a drug;

(*c*) is declared to be mentally incompetent or becomes physically incapable of safely performing his duties;

(*d*) is incompetent or negligent in the discharge of his duties as an operating engineer or operator;

(*e*) has obtained his certificate of qualification through misrepresentation or fraud;

(*f*) maliciously destroys his employer's property;

1953-54, c. 51 (Can.)

(*g*) has been convicted under the *Criminal Code* (Canada) of any indictable offence committed while he was on duty as an operating engineer or operator;

(*h*) allows another person to operate under his certificate;

(*i*) attempts to obtain a certificate by false means for another person;

(*j*) fails to give the notice required by section 25;

(*k*) leaves the employ of his employer without having given his employer at least seven days' notice in writing of his intention to leave;

(*l*) furnishes information for the use of the Board respecting an applicant for a certificate of qualification without knowing that the information is true; or

(*m*) contravenes any of the provisions of this Act or the regulations. R.S.O. 1960, c. 282, s. 23, *amended.*

Hearings

(2) No certificate of qualification shall be cancelled or suspended by the Board unless the Board first gives the holder of the certificate and any other person having knowledge of the matter an opportunity to be heard.

Powers

(3) For the purposes of a hearing under this section, the chairman of the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act.* R.S.O. 1960, c. 323 *New.*

Appeals

22.—(1) Any person who deems himself aggrieved by any decision of the Board may, within ten days after the decision comes to his notice, appeal in writing from the decision to the Minister who shall, upon notice to all interested parties, hear the appeal and affirm, rescind or vary the decision.

Idem

(2) The making of an appeal under this section does not affect the operation of the decision pending the disposition of the appeal by the Minister. R.S.O. 1960, c. 282, s. 29, *amended.*

Posting of certificates

23. Every certificate of qualification shall at all times be displayed conspicuously in the engine room, compressor room or boiler room of the plant in which the holder thereof works, except in the case of a steam hoisting plant or a hoisting plant, in which case the certificate shall be carried upon the person of the holder. R.S.O. 1960, c. 282, s. 27, *amended.*

Duplicate certificates

24. Where a certificate of qualification has been lost or destroyed, the Board, on payment of the prescribed fee, shall issue a duplicate certificate of qualification. R.S.O. 1960, c. 282, s. 22, *amended.*

Duty to notify of absence

25. Every operating engineer or operator who,

(*a*) knows that he will be absent from his duties; or

(*b*) is unable to commence or continue his duties,

shall immediately notify his chief operating engineer or chief operator or shift engineer or shift operator, or, if none, his employer. R.S.O. 1960, c. 282, s. 28, *amended.*

Prohibitions, operation by other than operating engineer or operator

26.—(1) No person other than an operating engineer who holds a subsisting certificate of qualification shall perform the work and duties of an operating engineer, and no person other than an operating engineer or operator who holds a subsisting certificate of qualification shall perform the work and duties of an operator. R.S.O. 1960, c. 282, s. 16, *amended.*

Employment of unqualified persons prohibited

(2) No person shall employ,

(*a*) any person who is not an operating engineer to perform the work and duties of an operating engineer or operator, or any person who is not an operator to perform the work and duties of an operator; or

(*b*) any operating engineer or operator to operate a plant that he is not qualified under this Act or the regulations to operate. R.S.O. 1960, c. 282, s. 18, *amended.*

Work prohibited unless qualified therefor

(3) No operating engineer or operator shall perform any work or duties that he is not qualified under this Act or the regulations to perform. R.S.O. 1960, c. 282, s. 17, *amended.*

Operation of plants

27. No person shall use or operate a plant or cause a plant to be used or operated except in accordance with this Act and the regulations. *New.*

Offences

28.—(1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, or hinders or obstructs any person in the performance of his duties under this Act, is guilty of an offence against this Act and on summary conviction is liable to a fine of not more than $1,000 or to imprisonment for a term not exceeding twelve months, or to both. R.S.O. 1960, c. 282, s. 30, *amended.*

Additional penalty

(2) Where the circumstances constituting an offence against this Act continue from day to day and an information has been laid in respect of the offence, the offence shall be deemed to have been repeated on each day the circumstances continue. *New.*

29. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) prescribing the qualifications of members of the Board and of inspectors;

(*b*) prescribing the qualifications of applicants for certificates of qualification and the evidence required to be furnished by such applicants as to previous training and experience;

(*c*) prescribing courses of training or study for applicants for certificates of qualification;

(*d*) prescribing the powers and duties of chief operating engineers, chief operators, shift engineers and shift operators;

(*e*) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the Board;

(*f*) providing for the issue and renewal of certificates of qualification;

(*g*) providing for the issue of provisional certificates of qualification;

(*h*) exempting classes of hoisting devices from this Act;

(*i*) prescribing methods of converting the registered horse-power of plants in use when this Act came into force to a Therm-hour rating;

(*j*) prescribing the method of establishing the Therm-hour ratings of internal combustion engines or any class thereof;

(*k*) classifying operating engineers and operators and specifying the class of operating engineer or operator that shall be required to operate any plant, and prescribing terms and conditions with respect thereto;

(*l*) respecting the operation of plants or any class thereof;

(*m*) prescribing the circumstances and periods of absence for the purposes of section 15;

(*n*) prescribing the period during which and the terms and conditions upon which an operating engineer or operator may continue to operate a plant after the Therm-hour rating of the plant has been increased so that he is no longer qualified to operate the plant;

(*o*) prescribing forms and providing for their use;

(*p*) providing for and prescribing fees;

(*q*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 282, s. 31, *amended*.

Transitional, certificates of registration

30.—(1) Every certificate of registration that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a certificate of registration issued under this Act, and it remains in force until the Board withdraws it.

Idem, certificates of qualification

(2) Every certificate of qualification that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a certificate of qualification issued under this Act.

Idem, provisional certificates of qualification

(3) Every provisional certificate of qualification that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a provisional certificate of qualification issued under this Act. *New*.

R.S.O. 1960, c. 282, repealed

31. *The Operating Engineers Act* is repealed.

Commencement

32. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

33. This Act may be cited as *The Operating Engineers Act, 1964*.

1st Reading

February 11th, 1964

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 38

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Highway Traffic Act

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1—Subection 1. The definition of pedestrian crossover is complementary to section 8 of this Bill which provides for pedestrian crossovers.

Subsection 2. The provisions respecting urban areas are deleted, as townships and counties may now, under subsection 6*a* of section 59, prescribe speed limits between 35 and 60 miles per hour on highways under their jurisdiction that are not within built-up areas or suburban districts. The speed limit of 40 miles per hour in urban areas is, therefore, covered in subsection 6*a* of section 59.

Section 2. Sections 20 and 21 referred to in section 22 were amended by adding other subsections, and it is, therefore, necessary in referring to clause *a* of sections 20 and 21 to now refer to clause *a* of subsection 1 of sections 20 and 21.

Section 3. The amendments are to correct typographical errors.

BILL 38 **1964**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

18*a*. "pedestrian crossover" means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations.

(2) Paragraph 28 of subsection 1 of the said section 1 is repealed. R.S.O. 1960, c. 172, s. 1, subs. 1, par. 28, repealed

2.—(1) Subsection 1 of section 22 of *The Highway Traffic Act* is amended by inserting after "clause *a*" in the second line and in the third line "of subsection 1". R.S.O. 1960, c. 172, s. 22, subs. 1, amended

(2) Subsection 2 of the said section 22 is amended by inserting after "clause *a*" in the fourth line and in the sixth line "of subsection 1". R.S.O. 1960, c. 172, s. 22, subs. 2, amended

3.—(1) Subsection 10 of section 33 of *The Highway Traffic Act* is amended by striking out "one half-hour" in the second line and inserting in lieu thereof "one-half hour". R.S.O. 1960, c. 172, s. 33, subs. 10, amended

(2) Subsection 22 of the said section 33 is amended by striking out "or" in the fourth line and inserting in lieu thereof "of". R.S.O. 1960, c. 172, s. 33, subs. 22, amended

(3) Subsection 25 of the said section 33 is amended by striking out "one half-hour" in the fourth line and inserting in lieu thereof "one-half hour". R.S.O. 1960, c. 172, s. 33, subs. 25, amended

R.S.O. 1960, c. 172, s. 37, subs. 1, cl. *b*, amended

4. Clause *b* of subsection 1 of section 37 of *The Highway Traffic Act* is amended by inserting after "mirror" in the first line "or mirrors", so that the clause shall read as follows:

(*b*) a mirror or mirrors securely attached to the vehicle and placed in such a position as to afford the chauffeur or operator a clearly reflected view of the roadway in the rear, or of any vehicle approaching from the rear.

R.S.O. 1960, c. 172, s. 42, subs. 6, re-enacted

5. Subsection 6 of section 42 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

(6) Every person who contravenes any of the provisions of subsection 1, 2, 3 or 5 is liable to a fine of not less than $10 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days.

R.S.O. 1960, c. 172, s. 47, amended

6. Section 47 of *The Highway Traffic Act* is amended by adding thereto the following subsections:

Penalty for refusal to submit vehicle to examination

(3) Every driver of a motor vehicle who refuses to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as may be required by a constable or officer under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50.

Seizure of plates

(4) Where the operation of a motor vehicle or trailer has been prohibited under subsection 2, the constable or officer may seize the registration plates of the motor vehicle or trailer that is in a dangerous or unsafe condition and hold them until the motor vehicle or trailer has been placed in a safe condition.

R.S.O. 1960, c. 172, s. 59, subs. 1, cl. *c*, repealed

7.—(1) Clause *c* of subsection 1 of section 59 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 59, subs. 5, amended

(2) Subsection 5 of the said section 59 is amended by striking out "50" in the sixth line and inserting in lieu thereof "60", so that the subsection shall read as follows:

Increase by by-law

(5) The council of a city, town or village and the trustees of a police village may by by-law prescribe a higher rate of speed for motor vehicles driven on any highway or portion of a highway under its jurisdiction than is prescribed in subsection 1, but such increased rate of speed shall not be more than 60 miles per hour.

SECTION 4. The amendment is to make it clear that a motor vehicle must be equipped with more than one mirror if one is not sufficient to afford the operator a clearly reflected view of the roadway in the rear.

SECTION 5. The penalty for offences such as operating a motor vehicle in such a way as to make unnecessary noise or to produce excessive smoke or fumes is increased from a minimum of $5 and a maximum of $50 to a minimum of $10 and a maximum of $100.

SECTION 6. Self-explanatory.

SECTION 7. Subsections 1, 3 and 4 are complementary to subsection 2 of section 1 of the Bill.

Subsection 2. Urban municipalities are now authorized to increase speed limits on highways under their jurisdiction to 50 miles per hour. The amendment increases the maximum to 60 miles per hour.

SECTION 8. Self-explanatory.

(3) Subsection 6 of the said section 59 is amended by striking out "or urban area" in the fourth line and by striking out "urban area" in the seventh line, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 59, subs. 6, amended

(6) The council of a township or county may by by-law prescribe a higher rate of speed for motor vehicles driven on a highway or portion of a highway under its jurisdiction within a built-up area than is prescribed in subsection 1 or within a suburban district than is prescribed in such district for motor vehicles driven on a highway within a built-up area or suburban district, but such increased rate of speed shall not be more than 50 miles per hour. increase in built-up area or suburban district

(4) Subsection 6*a* of the said section 59, as enacted by subsection 2 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is amended by striking out "urban area" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 59, subs. 6*a* (1961-62, c. 52, s. 12, subs. 2), amended

(6*a*) The council of a township or county may by by-law prescribe a lower or higher rate of speed for motor vehicles on a highway or portion of a highway under its jurisdiction that is not within a built-up area or suburban district than is prescribed in clause *a* of subsection 1, but such rate of speed shall not be less than 35 miles per hour or more than 60 miles per hour. increase or decrease on township and county roads

8. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

67*a*.—(1) When a pedestrian crossing a roadway within a pedestrian crossover, Pedestrian crossover, duties of driver

(*a*) is upon the half of the roadway upon which a vehicle or street car is travelling; or

(*b*) is upon half of the roadway and is approaching the other half of the roadway on which a vehicle or street car is approaching so closely to the pedestrian crossover as to endanger him,

the driver of such vehicle or street car shall yield the right of way to the pedestrian by slowing down or stopping if necessary.

(2) When a vehicle or street car is stopped at a pedestrian crossover to permit a pedestrian to cross the roadway, the driver of any other vehicle or street car shall not overtake and pass the stopped vehicle or street car. Where vehicle stopped at pedestrian crossover

Passing moving vehicles within 100 feet of pedestrian crossover

(3) When a vehicle or street car is approaching a pedestrian crossover and is within 100 feet thereof, the driver of any other vehicle or street car approaching from the rear shall not overtake and pass such vehicle or street car.

Duties of pedestrian

(4) No pedestrian shall leave the curb or other place of safety at a pedestrian crossover and walk or run into the path of a vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way.

Duties of pedestrians when crossing other than in pedestrian crossover

(5) Subject to subsection 9 of section 70, when a pedestrian is crossing a roadway other than in a pedestrian crossover, he shall yield the right of way to the driver of a vehicle or street car.

Penalty

(6) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $50.

By-laws revoked

(7) The part of every municipal by-law that provides for the regulation of traffic by means of pedestrian crossovers is revoked on the day this section comes into force.

R.S.O. 1960, c. 172, s. 70, subs. 14, amended

9. Subsection 14 of section 70 of *The Highway Traffic Act* is amended by striking out "installed after the 9th day of April, 1936" in the first and second lines, so that the subsection shall read as follows:

Erection of signal lights

(14) Every signal-light traffic control system shall consist of sets of green, amber and red or green arrow, green, amber and red signal-lights, each of which sets shall be mounted on or suspended from or by means of a bracket or extended arm attached to a post or other standard located to the right side of the roadway used by the traffic controlled by it and to the side of the intersecting roadway that is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that, where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

R.S.O. 1960, c. 172, s. 77, subs. 1, re-enacted

10. Subsection 1 of section 77 of *The Highway Traffic Act* is repealed and the following substituted therefor:

SECTION 9. All signal-light traffic control systems installed after April, 1936, are required to conform to the standards set out in subsection 14. Hereafter, all systems will be required to comply.

SECTION 10. Subsection 1 at present deals only with highways divided into roadways by an unpaved portion. As re-enacted, it deals with highways divided by any means.

SECTION 11. The amendment provides that it is not necessary for buses to stop at railway crossings that are protected by railway crossing signal lights.

SECTION 12. The provision authorizing the making of regulations respecting signs is revised to include markings on highways.

SECTION 13. Self-explanatory.

(1) Where a highway is divided into two separate roadways, no person shall operate or drive a vehicle or lead, ride or drive an animal, Moving from roadway to roadway on divided highways

(*a*) along or on such highway except on the roadway on the right-hand side, having regard to the direction in which the vehicle is being operated or driven or the animal is being led, ridden or driven; or

(*b*) from one roadway to the other roadway except where a crossing is provided.

11. Subsection 1 of section 93 of *The Highway Traffic Act* is amended by inserting after "gates" in the seventh line "or railway crossing signal lights", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 93, subs. 1, amended

(1) The driver of, Vehicles required to stop at railway crossings

(*a*) a motor vehicle having a seating capacity for ten or more persons, when transporting children to and from school; or

(*b*) a public vehicle,

upon approaching on a highway a railway crossing that is not protected by gates or railway crossing signal lights or unless otherwise directed by a flagman, shall stop such vehicle not less than 15 feet from the nearest rail of the railway and, having stopped, shall look in both directions along the track and open a door of the vehicle and listen for any approaching train and, when it is safe to do so, shall cross the railway track in a gear that he will not need to change while crossing the track, and he shall not change gears while crossing.

12. Subsection 1 of section 99 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 99, subs. 1, re-enacted

(1) The Lieutenant Governor in Council may make regulations providing for the erection of signs and the placing of markings on any highway or any type or class thereof, and prescribing the types of such signs and markings and the location on the highway of each type of sign and marking. Signs and markings

13. Section 100*a* of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1962-63*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 172, s. 100*a* (1962-63, c. 56, s. 15), amended

Prohibiting bicycles, etc., on municipal highways

(2) The council of a municipality may by by-law prohibit the use of bicycles or animals on any highway or portion of a highway under its jurisdiction on which the maximum speed limit is greater than 50 miles per hour.

R.S.O. 1960, c. 172, s. 111, subs. 1, re-enacted

14.—(1) Subsection 1 of section 111 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Licences suspended for convictions

(1) The driver's licence and owner's permit or permits of every person who has been convicted of, or committed for trial or has forfeited his bail after having been arrested for, any offence under section 192, 193, 207, 221, 222 or 223 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, involving the use of a motor vehicle shall be forthwith suspended by the Registrar, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's licence or owner's permit be thereafter issued to such person, until he has given to the Registrar proof of his financial responsibility.

1953-54, c. 51 (Can.)

R.S.O. 1960, c. 172, s. 111, subs. 3, amended

(2) Subsection 3 of the said section 111 is amended by striking out "of" in the third line.

R.S.O. 1960, c. 172, s. 112, repealed

15. Section 112 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 156, subs. 2, amended

16. Subsection 2 of section 156 of *The Highway Traffic Act* is amended by striking out "and 3" in the fourth line and inserting in lieu thereof "3 and 5", so that the subsection shall read as follows:

Arrests by officer without warrant

(2) Every constable or officer appointed for carrying out the provisions of this Act, who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsections 1 and 2 of section 7; subsections 1, 3 and 5 of section 8; subsection 1 of section 9; subsection 1 of section 10; subsection 2 or 3 of section 25; section 26, 60, 91 or 100 has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed such contravention, may arrest such person without warrant whether such person is guilty or not.

R.S.O. 1960, c. 172, s. 157, subs. 1, amended

17.—(1) Subsection 1 of section 157 of *The Highway Traffic Act* is amended by inserting after "the" where it occurs the first time in the ninth line "magistrate or judge may order that the", so that the subsection shall read as follows:

SECTION 14—Subsection 1. The provisions requiring the filing of financial responsibility where a person has been convicted of, or committed for trial for, an offence under *The Highway Traffic Act* are deleted. The requirement for filing financial responsibility will still apply with respect to offences under the *Criminal Code*, such as drunk driving, failing to remain, etc.

Subsection 2. The amendment is to correct a typographical error.

SECTION 15. Complementary to section 14 of this Bill.

SECTION 16. Subsection 2 of section 156 authorizes a constable to arrest the operator of a passenger or commercial vehicle that is being operated without registration plates. This authority is extended to motorcycles without registration plates.

SECTION 17. Section 157 provides that the motor vehicle of a person convicted for such offences as drunk driving or driving while under suspension shall be impounded. The provisions are amended to authorize the magistrate or judge to order seizure and impounding.

(1) In the event of,

Impounding motor vehicle

(*a*) a conviction under section 25 or 26 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or

1953-54, c. 51 (Can.)

(*b*) a second conviction under subsection 2 of section 221 of the *Criminal Code* (Canada); or

(*c*) a third conviction under section 6, 13, 16, 18, 60 or 91, or any of them,

the magistrate or judge may order that the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

(2) Subsection 3 of the said section 157 is amended by inserting after "*therein*" in the eleventh line "*the magistrate or judge may order that*", so that the subsection shall read as follows:

R.S.O. 1960, c. 172, s. 157, subs. 3, amended

(3) Where a person pleads guilty to any of the offences mentioned in subsection 1, the provisions of subsection 1 do not apply unless the person has been given notice,

Seizure, etc., of vehicle upon conviction of certain offences

(*a*) by a printed or written statement upon or accompanying the summons; or

(*b*) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"*The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the magistrate or judge may order that the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law*".

Commencement

18.—(1) This Act, except sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 16, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 16 come into force on the 1st day of July, 1964.

Short title

19. This Act may be cited as *The Highway Traffic Amendment Act, 1964.*

BILL 38

An Act to amend
The Highway Traffic Act

1st Reading

February 11th, 1964

2nd Reading

3rd Reading

MR. HASKETT

1964

BILL 38

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Highway Traffic Act

MR. HASKETT

(Reprinted as amended by the Committee on Highways and Tourism)

TORONTO
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Explanatory Notes

Section 1—Subection 1. The definition of pedestrian crossover is complementary to section 8 of this Bill which provides for pedestrian crossovers.

Subsection 2. The provisions respecting urban areas are deleted, as townships and counties may now, under subsection 6*a* of section 59, prescribe speed limits between 35 and 60 miles per hour on highways under their jurisdiction that are not within built-up areas or suburban districts. The speed limit of 40 miles per hour in urban areas is, therefore, covered in subsection 6*a* of section 59.

Section 2. Sections 20 and 21 referred to in section 22 were amended by adding other subsections, and it is, therefore, necessary in referring to clause *a* of sections 20 and 21 to now refer to clause *a* of subsection 1 of sections 20 and 21.

Section 3. The amendments are to correct typographical errors.

BILL 38 **1964**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

18*a*. "pedestrian crossover" means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations.

(2) Paragraph 28 of subsection 1 of the said section 1 is repealed. R.S.O. 1960, c. 172, s. 1, subs. 1, par. 28, repealed

2.—(1) Subsection 1 of section 22 of *The Highway Traffic Act* is amended by inserting after "clause *a*" in the second line and in the third line "of subsection 1". R.S.O. 1960, c. 172, s. 22 subs. 1, amended

(2) Subsection 2 of the said section 22 is amended by inserting after "clause *a*" in the fourth line and in the sixth line "of subsection 1". R.S.O. 1960, c. 172, s. 22, subs. 2, amended

3.—(1) Subsection 10 of section 33 of *The Highway Traffic Act* is amended by striking out "one half-hour" in the second line and inserting in lieu thereof "one-half hour". R.S.O. 1960, c. 172, s. 33, subs. 10, amended

(2) Subsection 22 of the said section 33 is amended by striking out "or" in the fourth line and inserting in lieu thereof "of". R.S.O. 1960, c. 172, s. 33, subs. 22, amended

(3) Subsection 25 of the said section 33 is amended by striking out "one half-hour" in the fourth line and inserting in lieu thereof "one-half hour". R.S.O. 1960, c. 172, s. 33, subs. 25, amended

R.S.O. 1960, c. 172, s. 37, subs. 1, cl. *b*, amended

4. Clause *b* of subsection 1 of section 37 of *The Highway Traffic Act* is amended by inserting after "mirror" in the first line "or mirrors", so that the clause shall read as follows:

(*b*) a mirror or mirrors securely attached to the vehicle and placed in such a position as to afford the chauffeur or operator a clearly reflected view of the roadway in the rear, or of any vehicle approaching from the rear.

R.S.O. 1960, c. 172, s. 42, subs. 6, re-enacted

5. Subsection 6 of section 42 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

(6) Every person who contravenes any of the provisions of subsection 1, 2, 3 or 5 is liable to a fine of not less than $10 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days.

R.S.O. 1960, c. 172, s. 47, amended

6. Section 47 of *The Highway Traffic Act* is amended by adding thereto the following subsections:

Penalty for refusal to submit vehicle to examination

(3) Every driver of a motor vehicle who refuses to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as may be required by a constable or officer under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50.

Seizure of plates

(4) Where the operation of a motor vehicle or trailer has been prohibited under subsection 2, the constable or officer may seize the registration plates of the motor vehicle or trailer that is in a dangerous or unsafe condition and hold them until the motor vehicle or trailer has been placed in a safe condition.

R.S.O. 1960, c. 172, s. 59, subs. 1, cl. *c*, repealed

7.—(1) Clause *c* of subsection 1 of section 59 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 59, subs. 5, amended

(2) Subsection 5 of the said section 59 is amended by striking out "50" in the sixth line and inserting in lieu thereof "60", so that the subsection shall read as follows:

Increase by by-law

(5) The council of a city, town or village and the trustees of a police village may by by-law prescribe a higher rate of speed for motor vehicles driven on any highway or portion of a highway under its jurisdiction than is prescribed in subsection 1, but such increased rate of speed shall not be more than 60 miles per hour.

SECTION 4. The amendment is to make it clear that a motor vehicle must be equipped with more than one mirror if one is not sufficient to afford the operator a clearly reflected view of the roadway in the rear.

SECTION 5. The penalty for offences such as operating a motor vehicle in such a way as to make unnecessary noise or to produce excessive smoke or fumes is increased from a minimum of $5 and a maximum of $50 to a minimum of $10 and a maximum of $100.

SECTION 6. Self-explanatory.

SECTION 7. Subsections 1, 3 and 4 are complementary to subsection 2 of section 1 of the Bill.

Subsection 2. Urban municipalities are now authorized to increase speed limits on highways under their jurisdiction to 50 miles per hour. The amendment increases the maximum to 60 miles per hour.

SECTION 8. Self-explanatory.

(3) Subsection 6 of the said section 59 is amended by striking out "or urban area" in the fourth line and by striking out "urban area" in the seventh line, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 59, subs. 6, amended

(6) The council of a township or county may by by-law prescribe a higher rate of speed for motor vehicles driven on a highway or portion of a highway under its jurisdiction within a built-up area than is prescribed in subsection 1 or within a suburban district than is prescribed in such district for motor vehicles driven on a highway within a built-up area or suburban district, but such increased rate of speed shall not be more than 50 miles per hour. increase in built-up area or suburban district

(4) Subsection 6*a* of the said section 59, as enacted by subsection 2 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is amended by striking out "urban area" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 59, subs. 6*a* (1961-62, c. 52, s. 12, subs. 2), amended

(6*a*) The council of a township or county may by by-law prescribe a lower or higher rate of speed for motor vehicles on a highway or portion of a highway under its jurisdiction that is not within a built-up area or suburban district than is prescribed in clause *a* of subsection 1, but such rate of speed shall not be less than 35 miles per hour or more than 60 miles per hour. increase or decrease on township and county roads

8. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

67*a*.—(1) Subject to subsection 2, when a pedestrian crossing a roadway within a pedestrian crossover, Pedestrian crossover, duties of driver

(*a*) is upon the half of the roadway upon which a vehicle or street car is travelling; or

(*b*) is upon half of the roadway and is approaching the other half of the roadway on which a vehicle or street car is approaching so closely to the pedestrian crossover as to endanger him,

the driver of such vehicle or street car shall yield the right of way to the pedestrian by slowing down or stopping if necessary.

(2) When a vehicle or street car is stopped at a pedestrian crossover, the driver of any other vehicle or street car overtaking the stopped vehicle or street car shall Where vehicle stopped at pedestrian crossover

bring the vehicle or street car to a full stop before entering the crossover and shall yield the right of way to a pedestrian,

(*a*) who is within the crossover upon the half of the roadway upon which the vehicle or street car is stopped; or

(*b*) who is within the crossover and is approaching such half of the roadway from the other half of the roadway so closely to the vehicle or street car that he is in danger if the vehicle or street car were to proceed.

Passing moving vehicles within 100 feet of pedestrian crossover

(3) When a vehicle or street car is approaching a pedestrian crossover and is within 100 feet thereof, the driver of any other vehicle or street car approaching from the rear shall not overtake and pass such vehicle or street car.

Duties of pedestrian

(4) No pedestrian shall leave the curb or other place of safety at a pedestrian crossover and walk or run into the path of a vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way.

Duties of pedestrians when crossing other than in pedestrian crossover

(5) Subject to subsection 9 of section 70, when a pedestrian is crossing a roadway other than in a pedestrian crossover, he shall yield the right of way to the driver of a vehicle or street car.

Penalty

(6) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $50.

By-laws revoked

(7) The part of every municipal by-law that provides for the regulation of traffic by means of pedestrian crossovers is revoked on the day this section comes into force.

R.S.O. 1960, c. 172, s. 70, subs. 14, amended

9. Subsection 14 of section 70 of *The Highway Traffic Act* is amended by striking out "installed after the 9th day of April, 1936" in the first and second lines, so that the subsection shall read as follows:

Erection of signal lights

(14) Every signal-light traffic control system shall consist of sets of green, amber and red or green arrow, green, amber and red signal-lights, each of which sets shall be mounted on or suspended from or by means of a

SECTION 9. All signal-light traffic control systems installed after April, 1936, are required to conform to the standards set out in subsection 14. Hereafter, all systems will be required to comply.

SECTION 10. Subsection 1 at present deals only with highways divided into roadways by an unpaved portion. As re-enacted, it deals with highways divided by any means.

SECTION 11. The amendment provides that it is not necessary for buses to stop at railway crossings that are protected by railway crossing signal lights.

bracket or extended arm attached to a post or other standard located to the right side of the roadway used by the traffic controlled by it and to the side of the intersecting roadway that is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that, where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

10. Subsection 1 of section 77 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 77, subs. 1, re-enacted

Moving from roadway to roadway on divided highways

(1) Where a highway is divided into two separate roadways, no person shall operate or drive a vehicle or lead, ride or drive an animal,

(*a*) along or on such highway except on the roadway on the right-hand side, having regard to the direction in which the vehicle is being operated or driven or the animal is being led, ridden or driven; or

(*b*) from one roadway to the other roadway except where a crossing is provided.

11. Subsection 1 of section 93 of *The Highway Traffic Act* is amended by inserting after "gates" in the seventh line "or railway crossing signal lights", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 93, subs. 1, amended

Vehicles required to stop at railway crossings

(1) The driver of,

(*a*) a motor vehicle having a seating capacity for ten or more persons, when transporting children to and from school; or

(*b*) a public vehicle,

upon approaching on a highway a railway crossing that is not protected by gates or railway crossing signal lights or unless otherwise directed by a flagman, shall stop such vehicle not less than 15 feet from the nearest rail of the railway and, having stopped, shall look in both directions along the track and open a door of the vehicle and listen for any approaching train and, when it is safe to do so, shall cross the railway track in a gear that he will not need to change while crossing the track, and he shall not change gears while crossing.

R.S.O. 1960, c. 172, s. 99, subs. 1, re-enacted

12. Subsection 1 of section 99 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Signs and markings

(1) The Lieutenant Governor in Council may make regulations providing for the erection of signs and the placing of markings on any highway or any type or class thereof, and prescribing the types of such signs and markings and the location on the highway of each type of sign and marking.

R.S.O. 1960, c. 172, s. 100*a* (1962-63, c. 56, s. 15), amended

13. Section 100*a* of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Prohibiting bicycles, etc., on municipal highways

(2) The council of a municipality may by by-law prohibit the use of bicycles or animals on any highway or portion of a highway under its jurisdiction on which the maximum speed limit is greater than 50 miles per hour.

R.S.O. 1960, c. 172, s. 111, subs. 1, re-enacted

14.—(1) Subsection 1 of section 111 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Licences suspended for convictions

1953-54, c. 51 (Can.)

(1) The driver's licence and owner's permit or permits of every person who has been convicted of, or committed for trial or has forfeited his bail after having been arrested for, any offence under section 192, 193, 207, 221, 222 or 223 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, involving the use of a motor vehicle shall be forthwith suspended by the Registrar, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's licence or owner's permit be thereafter issued to such person, until he has given to the Registrar proof of his financial responsibility.

R.S.O. 1960, c. 172, s. 111, subs. 3, amended

(2) Subsection 3 of the said section 111 is amended by striking out "of" in the third line.

R.S.O. 1960, c. 172, s. 112, repealed

15. Section 112 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 156, subs. 2, amended

16. Subsection 2 of section 156 of *The Highway Traffic Act* is amended by striking out "and 3" in the fourth line and inserting in lieu thereof "3 and 5", so that the subsection shall read as follows:

Arrests by officer without warrant

(2) Every constable or officer appointed for carrying out the provisions of this Act, who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsections 1 and 2 of sec-

SECTION 12. The provision authorizing the making of regulations respecting signs is revised to include markings on highways.

SECTION 13. Self-explanatory.

SECTION 14—Subsection 1. The provisions requiring the filing of financial responsibility where a person has been convicted of, or committed for trial for, an offence under *The Highway Traffic Act* are deleted. The requirement for filing financial responsibility will still apply with respect to offences under the *Criminal Code*, such as drunk driving, failing to remain, etc.

Subsection 2. The amendment is to correct a typographical error.

SECTION 15. Complementary to section 14 of this Bill.

SECTION 16. Subsection 2 of section 156 authorizes a constable to arrest the operator of a passenger or commercial vehicle that is being operated without registration plates. This authority is extended to motorcycles without registration plates.

SECTION 17. Section 157 provides that the motor vehicle of a person convicted for such offences as drunk driving or driving while under suspension shall be impounded. The provisions are amended to authorize the magistrate or judge to order seizure and impounding.

tion 7; subsections 1, 3 and 5 of section 8; subsection 1 of section 9; subsection 1 of section 10; subsection 2 or 3 of section 25; section 26, 60, 91 or 100 has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed such contravention, may arrest such person without warrant whether such person is guilty or not.

17.—(1) Subsection 1 of section 157 of *The Highway Traffic Act* is amended by inserting after "the" where it occurs the first time in the ninth line "magistrate or judge may order that the", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 157, subs. 1, amended

(1) In the event of, Impounding motor vehicle

(*a*) a conviction under section 25 or 26 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or 1953-54, c. 51 (Can.)

(*b*) a second conviction under subsection 2 of section 221 of the *Criminal Code* (Canada); or

(*c*) a third conviction under section 6, 13, 16, 18, 60 or 91, or any of them,

the magistrate or judge may order that the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

(2) Subsection 3 of the said section 157 is amended by inserting after "*therein*" in the eleventh line "*the magistrate or judge may order that*", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 157, subs. 3, amended

(3) Where a person pleads guilty to any of the offences mentioned in subsection 1, the provisions of subsection 1 do not apply unless the person has been given notice, Seizure, etc., of vehicle upon conviction of certain offences

(*a*) by a printed or written statement upon or accompanying the summons; or

(*b*) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"*The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the magistrate or judge may order that the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law*".

Commencement

18.—(1) This Act, except sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 16, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 16 come into force on the 1st day of July, 1964.

Short title

19. This Act may be cited as *The Highway Traffic Amendment Act, 1964.*

An Act to amend
The Highway Traffic Act

1st Reading

February 11th, 1964

2nd Reading

February 17th, 1964

3rd Reading

MR. HASKETT

(Reprinted as amended by the Committee on Highways and Tourism)

1964

BILL 38

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Highway Traffic Act

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 38 **1964**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

18*a*. "pedestrian crossover" means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations.

(2) Paragraph 28 of subsection 1 of the said section 1 is repealed. R.S.O. 1960, c. 172, s. 1, subs. 1, par. 28, repealed

2.—(1) Subsection 1 of section 22 of *The Highway Traffic Act* is amended by inserting after "clause *a*" in the second line and in the third line "of subsection 1". R.S.O. 1960, c. 172, s. 22, subs. 1, amended

(2) Subsection 2 of the said section 22 is amended by inserting after "clause *a*" in the fourth line and in the sixth line "of subsection 1". R.S.O. 1960, c. 172, s. 22, subs. 2, amended

3.—(1) Subsection 10 of section 33 of *The Highway Traffic Act* is amended by striking out "one half-hour" in the second line and inserting in lieu thereof "one-half hour". R.S.O. 1960, c. 172, s. 33, subs. 10, amended

(2) Subsection 22 of the said section 33 is amended by striking out "or" in the fourth line and inserting in lieu thereof "of". R.S.O. 1960, c. 172, s. 33, subs. 22, amended

(3) Subsection 25 of the said section 33 is amended by striking out "one half-hour" in the fourth line and inserting in lieu thereof "one-half hour". R.S.O. 1960, c. 172, s. 33, subs. 25, amended

R.S.O. 1960, c. 172, s. 37, subs. 1, cl. *b*, amended

4. Clause *b* of subsection 1 of section 37 of *The Highway Traffic Act* is amended by inserting after "mirror" in the first line "or mirrors", so that the clause shall read as follows:

(*b*) a mirror or mirrors securely attached to the vehicle and placed in such a position as to afford the chauffeur or operator a clearly reflected view of the roadway in the rear, or of any vehicle approaching from the rear.

R.S.O. 1960, c. 172, s. 42, subs. 6, re-enacted

5. Subsection 6 of section 42 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

(6) Every person who contravenes any of the provisions of subsection 1, 2, 3 or 5 is liable to a fine of not less than $10 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days.

R.S.O. 1960, c. 172, s. 47, amended

6. Section 47 of *The Highway Traffic Act* is amended by adding thereto the following subsections:

Penalty for refusal to submit vehicle to examination

(3) Every driver of a motor vehicle who refuses to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as may be required by a constable or officer under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50.

Seizure of plates

(4) Where the operation of a motor vehicle or trailer has been prohibited under subsection 2, the constable or officer may seize the registration plates of the motor vehicle or trailer that is in a dangerous or unsafe condition and hold them until the motor vehicle or trailer has been placed in a safe condition.

R.S.O. 1960, c. 172, s. 59, subs. 1, cl. *c*, repealed

7.—(1) Clause *c* of subsection 1 of section 59 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 59, subs. 5, amended

(2) Subsection 5 of the said section 59 is amended by striking out "50" in the sixth line and inserting in lieu thereof "60", so that the subsection shall read as follows:

Increase by by-law

(5) The council of a city, town or village and the trustees of a police village may by by-law prescribe a higher rate of speed for motor vehicles driven on any highway or portion of a highway under its jurisdiction than is prescribed in subsection 1, but such increased rate of speed shall not be more than 60 miles per hour.

(3) Subsection 6 of the said section 59 is amended by striking out "or urban area" in the fourth line and by striking out "urban area" in the seventh line, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 59, subs. 6, amended

(6) The council of a township or county may by by-law prescribe a higher rate of speed for motor vehicles driven on a highway or portion of a highway under its jurisdiction within a built-up area than is prescribed in subsection 1 or within a suburban district than is prescribed in such district for motor vehicles driven on a highway within a built-up area or suburban district, but such increased rate of speed shall not be more than 50 miles per hour. increase in built-up area or suburban district

(4) Subsection 6*a* of the said section 59, as enacted by subsection 2 of section 12 of *The Highway Traffic Amendment Act, 1961-62*, is amended by striking out "urban area" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 59, subs. 6*a* (1961-62, c. 52, s. 12, subs. 2), amended

(6*a*) The council of a township or county may by by-law prescribe a lower or higher rate of speed for motor vehicles on a highway or portion of a highway under its jurisdiction that is not within a built-up area or suburban district than is prescribed in clause *a* of subsection 1, but such rate of speed shall not be less than 35 miles per hour or more than 60 miles per hour. increase or decrease on township and county roads

8. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

67*a*.—(1) Subject to subsection 2, when a pedestrian crossing a roadway within a pedestrian crossover, Pedestrian crossover, duties of driver

(*a*) is upon the half of the roadway upon which a vehicle or street car is travelling; or

(*b*) is upon half of the roadway and is approaching the other half of the roadway on which a vehicle or street car is approaching so closely to the pedestrian crossover as to endanger him,

the driver of such vehicle or street car shall yield the right of way to the pedestrian by slowing down or stopping if necessary.

(2) When a vehicle or street car is stopped at a pedestrian crossover, the driver of any other vehicle or street car overtaking the stopped vehicle or street car shall Where vehicle stopped at pedestrian crossover

bring the vehicle or street car to a full stop before entering the crossover and shall yield the right of way to a pedestrian,

(*a*) who is within the crossover upon the half of the roadway upon which the vehicle or street car is stopped; or

(*b*) who is within the crossover and is approaching such half of the roadway from the other half of the roadway so closely to the vehicle or street car that he is in danger if the vehicle or street car were to proceed.

Passing moving vehicles within 100 feet of pedestrian crossover

(3) When a vehicle or street car is approaching a pedestrian crossover and is within 100 feet thereof, the driver of any other vehicle or street car approaching from the rear shall not overtake and pass such vehicle or street car.

Duties of pedestrian

(4) No pedestrian shall leave the curb or other place of safety at a pedestrian crossover and walk or run into the path of a vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way.

Duties of pedestrians when crossing other than in pedestrian crossover

(5) Subject to subsection 9 of section 70, when a pedestrian is crossing a roadway other than in a pedestrian crossover, he shall yield the right of way to the driver of a vehicle or street car.

Penalty

(6) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $50.

By-laws revoked

(7) The part of every municipal by-law that provides for the regulation of traffic by means of pedestrian crossovers is revoked on the day this section comes into force.

R.S.O. 1960, c. 172, s. 70, subs. 14, amended

9. Subsection 14 of section 70 of *The Highway Traffic Act* is amended by striking out "installed after the 9th day of April, 1936" in the first and second lines, so that the subsection shall read as follows:

Erection of signal lights

(14) Every signal-light traffic control system shall consist of sets of green, amber and red or green arrow, green, amber and red signal-lights, each of which sets shall be mounted on or suspended from or by means of a

bracket or extended arm attached to a post or other standard located to the right side of the roadway used by the traffic controlled by it and to the side of the intersecting roadway that is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that, where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

10. Subsection 1 of section 77 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 77, subs. 1, re-enacted

Moving from roadway to roadway on divided highways

(1) Where a highway is divided into two separate roadways, no person shall operate or drive a vehicle or lead, ride or drive an animal,

(*a*) along or on such highway except on the roadway on the right-hand side, having regard to the direction in which the vehicle is being operated or driven or the animal is being led, ridden or driven; or

(*b*) from one roadway to the other roadway except where a crossing is provided.

11. Subsection 1 of section 93 of *The Highway Traffic Act* is amended by inserting after "gates" in the seventh line "or railway crossing signal lights", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 93, subs. 1, amended

Vehicles required to stop at railway crossings

(1) The driver of,

(*a*) a motor vehicle having a seating capacity for ten or more persons, when transporting children to and from school; or

(*b*) a public vehicle,

upon approaching on a highway a railway crossing that is not protected by gates or railway crossing signal lights or unless otherwise directed by a flagman, shall stop such vehicle not less than 15 feet from the nearest rail of the railway and, having stopped, shall look in both directions along the track and open a door of the vehicle and listen for any approaching train and, when it is safe to do so, shall cross the railway track in a gear that he will not need to change while crossing the track, and he shall not change gears while crossing.

R.S.O. 1960, c. 172, s. 99, subs. 1, re-enacted

12. Subsection 1 of section 99 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Signs and markings

(1) The Lieutenant Governor in Council may make regulations providing for the erection of signs and the placing of markings on any highway or any type or class thereof, and prescribing the types of such signs and markings and the location on the highway of each type of sign and marking.

R.S.O. 1960, c. 172, s. 100*a* (1962-63, c. 56, s. 15), amended

13. Section 100*a* of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Prohibiting bicycles, etc., on municipal highways

(2) The council of a municipality may by by-law prohibit the use of bicycles or animals on any highway or portion of a highway under its jurisdiction on which the maximum speed limit is greater than 50 miles per hour.

R.S.O. 1960, c. 172, s. 111, subs. 1, re-enacted

14.—(1) Subsection 1 of section 111 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Licences suspended for convictions

1953-54, c. 51 (Can.)

(1) The driver's licence and owner's permit or permits of every person who has been convicted of, or committed for trial or has forfeited his bail after having been arrested for, any offence under section 192, 193, 207, 221, 222 or 223 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, involving the use of a motor vehicle shall be forthwith suspended by the Registrar, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's licence or owner's permit be thereafter issued to such person, until he has given to the Registrar proof of his financial responsibility.

R.S.O. 1960, c. 172, s. 111, subs. 3, amended

(2) Subsection 3 of the said section 111 is amended by striking out "of" in the third line.

R.S.O. 1960, c. 172, s. 112, repealed

15. Section 112 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 156, subs. 2, amended

16. Subsection 2 of section 156 of *The Highway Traffic Act* is amended by striking out "and 3" in the fourth line and inserting in lieu thereof "3 and 5", so that the subsection shall read as follows:

Arrests by officer without warrant

(2) Every constable or officer appointed for carrying out the provisions of this Act, who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsections 1 and 2 of sec-

tion 7; subsections 1, 3 and 5 of section 8; subsection 1 of section 9; subsection 1 of section 10; subsection 2 or 3 of section 25; section 26, 60, 91 or 100 has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed such contravention, may arrest such person without warrant whether such person is guilty or not.

17.—(1) Subsection 1 of section 157 of *The Highway Traffic Act* is amended by inserting after "the" where it occurs the first time in the ninth line "magistrate or judge may order that the", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 157, subs. 1, amended

(1) In the event of, Impounding motor vehicle

(*a*) a conviction under section 25 or 26 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or 1953-54, c. 51 (Can.)

(*b*) a second conviction under subsection 2 of section 221 of the *Criminal Code* (Canada); or

(*c*) a third conviction under section 6, 13, 16, 18, 60 or 91, or any of them,

the magistrate or judge may order that the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

(2) Subsection 3 of the said section 157 is amended by inserting after "*therein*" in the eleventh line "*the magistrate or judge may order that*", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 157, subs. 3, amended

(3) Where a person pleads guilty to any of the offences mentioned in subsection 1, the provisions of subsection 1 do not apply unless the person has been given notice, Seizure, etc., of vehicle upon conviction of certain offences

(*a*) by a printed or written statement upon or accompanying the summons; or

(*b*) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"*The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the magistrate or judge may order that the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law*".

Commencement

18.—(1) This Act, except sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 16, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 16 come into force on the 1st day of July, 1964.

Short title

19. This Act may be cited as *The Highway Traffic Amendment Act, 1964.*

An Act to amend
The Highway Traffic Act

1st Reading

February 11th, 1964

2nd Reading

February 17th, 1964

3rd Reading

March 25th, 1964

MR. HASKETT

1964

BILL 39

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Bailiffs Act, 1960-61

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Sections 1, 2 and 3. The administration of *The Bailiffs Act* is put under the Director of the Registration and Examination Branch of the Department of the Attorney General. The Director will also administer *The Collection Agencies Act, The Credit Unions Act, The Mortgage Brokers Registration Act* and *The Real Estate and Business Brokers Act.*

Section 4. Self-explanatory.

Section 5. The maximum penalty is increased from $100 to $1,000 and a limitation period of one year is provided for prosecutions.

BILL 39 **1964**

An Act to amend The Bailiffs Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Bailiffs Act, 1960-61* is amended by adding thereto the following clause: 1960-61, c. 5, s. 1, amended

(*ca*) "Director" means the Director of the Registration and Examination Branch of the Department of the Attorney General.

2. Section 7 of *The Bailiffs Act, 1960-61* is amended by striking out "Inspector of Legal Offices" in the fourth and fifth lines and inserting in lieu thereof "Director". 1960-61, c. 5, s. 7, amended

3. Subsection 2 of section 10 of *The Bailiffs Act, 1960-61* is amended by striking out "Inspector of Legal Offices" in the third line and inserting in lieu thereof "Director". 1960-61, c. 5, s. 10, subs. 2, amended

4. *The Bailiffs Act, 1960-61* is amended by adding thereto the following section: 1960-61, c. 5, amended

10*a*.—(1) No person shall engage in business as a bailiff while an employee of or engaging in the business of a collection agency. Not to engage in business of collection agency

(2) A person authorized to engage in the business of a bailiff shall notify the Director of any change in the address of the place of business. Change of business address

5.—(1) Section 14 of *The Bailiffs Act, 1960-61* is amended by striking out "$100" in the third line and inserting in lieu thereof "$1,000", so that subsection 1 of the said section shall read as follows: 1960-61 c. 5, s. 14, amended

(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000. Offence

1960-61, c. 5, s. 14, amended

(2) The said section 14 is further amended by adding thereto the following subsection:

Limitation

(2) No proceeding under subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Short title

6. This Act may be cited as *The Bailiffs Amendment Act, 1964.*

BILL 39

An Act to amend The Bailiffs Act, 1960-61

1st Reading

February 11th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 39

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Bailiffs Act, 1960-61

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 39 **1964**

An Act to amend The Bailiffs Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Bailiffs Act, 1960-61* is amended by adding thereto the following clause: 1960-61, c. 5, s. 1, amended

(*ca*) "Director" means the Director of the Registration and Examination Branch of the Department of the Attorney General.

2. Section 7 of *The Bailiffs Act, 1960-61* is amended by striking out "Inspector of Legal Offices" in the fourth and fifth lines and inserting in lieu thereof "Director". 1960-61, c. 5, s. 7, amended

3. Subsection 2 of section 10 of *The Bailiffs Act, 1960-61* is amended by striking out "Inspector of Legal Offices" in the third line and inserting in lieu thereof "Director". 1960-61, c. 5, s. 10, subs. 2, amended

4. *The Bailiffs Act, 1960-61* is amended by adding thereto the following section: 1960-61, c. 5, amended

10*a*.—(1) No person shall engage in business as a bailiff while an employee of or engaging in the business of a collection agency. Not to engage in business of collection agency

(2) A person authorized to engage in the business of a bailiff shall notify the Director of any change in the address of the place of business. Change of business address

5.—(1) Section 14 of *The Bailiffs Act, 1960-61* is amended by striking out "$100" in the third line and inserting in lieu thereof "$1,000", so that subsection 1 of the said section shall read as follows: 1960-61 c. 5, s. 14, amended

(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000. Offence

1960-61, c. 5, s. 14, amended

(2) The said section 14 is further amended by adding thereto the following subsection:

Limitation

(2) No proceeding under subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Short title

6. This Act may be cited as *The Bailiffs Amendment Act, 1964.*

An Act to amend The Bailiffs Act, 1960-61

1st Reading

February 11th, 1964

2nd Reading

February 17th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 40

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Gasoline Tax Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

SECTION 1. The amendment increases the rate of tax payable per imperial gallon of gasoline from 13 cents to 15 cents, effective February 13, 1964.

SECTION 2. The amendment will now permit the communication of information obtained under the Act to either federal or provincial jurisdictions provided that the information communicated is used by such jurisdiction for purposes of administration of its taxing statutes and, further, that similar information is available on a reciprocal basis to this jurisdiction.

BILL 40 **1964**

An Act to amend The Gasoline Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Gasoline Tax Act* is amended by striking out "13" in the third line and inserting in lieu thereof "15", so that the subsection shall read as follows: R.S.O. 1960, c. 162, s. 2, subs. 1, amended

(1) Every purchaser of gasoline shall pay to the Minister for the use of the Crown in right of Ontario a charge or tax at the rate of 15 cents per imperial gallon on all gasoline purchased or delivery of which is received by him. Tax payable by purchaser

2. Subsection 1 of section 6 of *The Gasoline Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 162, s. 6, subs. 1, re-enacted

(1) Subject to subsection 1*a*, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. Information to be secret

(1*a*) The Minister may, Communication of information to other jurisdictions

(*a*) communicate or allow to be communicated information obtained under this Act; or

(*b*) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Minister, and provided that

the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

Commencement

3.—(1) This Act, except section 1, comes into force on the 1st day of April, 1964.

Idem

(2) Section 1 shall be deemed to have come into force on the 13th day of February, 1964.

Short title

4. This Act may be cited as *The Gasoline Tax Amendment Act, 1964.*

An Act to amend The Gasoline Tax Act

1st Reading

February 12th, 1964

2nd Reading

3rd Reading

MR. ALLAN

1964

BILL 40

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Gasoline Tax Act

MR. ALLAN

TORONTO
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BILL 40 **1964**

An Act to amend The Gasoline Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Gasoline Tax Act* is amended by striking out "13" in the third line and inserting in lieu thereof "15", so that the subsection shall read as follows: R.S.O. 1960, c. 162, s. 2, subs. 1, amended

(1) Every purchaser of gasoline shall pay to the Minister for the use of the Crown in right of Ontario a charge or tax at the rate of 15 cents per imperial gallon on all gasoline purchased or delivery of which is received by him. Tax payable by purchaser

2. Subsection 1 of section 6 of *The Gasoline Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 162, s. 6, subs. 1, re-enacted

(1) Subject to subsection 1*a*, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. Information to be secret

(1*a*) The Minister may, Communication of information to other jurisdictions

(*a*) communicate or allow to be communicated information obtained under this Act; or

(*b*) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Minister, and provided that

the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

Commencement

3.—(1) This Act, except section 1, comes into force on the 1st day of April, 1964.

Idem

(2) Section 1 shall be deemed to have come into force on the 13th day of February, 1964.

Short title

4. This Act may be cited as *The Gasoline Tax Amendment Act, 1964.*

An Act to amend The Gasoline Tax Act

1st Reading

February 12th, 1964

2nd Reading

March 4th, 1964

3rd Reading

March 25th, 1964

Mr. Allan

1964

BILL 41

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Motor Vehicle Fuel Tax Act

MR. ALLAN

TORONTO
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Explanatory Notes

Section 1—Subsection 1. The amendment increases the rate of tax payable by a purchaser from 18.5 cents per imperial gallon to 20.5 cents, effective February 13, 1964.

Subsection 2. The amendment increases the rate of tax payable by a registrant from 18.5 cents per imperial gallon to 20.5 cents, effective February 13, 1964.

Section 2. The amendment will now permit the communication of information obtained under the Act to either federal or provincial jurisdictions provided that the information communicated is used by such jurisdiction for purposes of administration of its taxing statutes and, further, that similar information is available on a reciprocal basis to this jurisdiction.

BILL 41 **1964**

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Motor Vehicle Fuel Tax Act* is amended by striking out "18.5" in the second line and inserting in lieu thereof "20.5", so that the subsection shall read as follows: R.S.O. 1960, c. 248, s. 3, subs. 1, amended

(1) Every purchaser shall pay to the Treasurer a tax at the rate of 20.5 cents per imperial gallon on all fuel received by him. Tax

(2) Subsection 2 of the said section 3 is amended by striking out "18.5" in the second line and inserting in lieu thereof "20.5", so that the subsection shall read as follows: R.S.O. 1960, c. 248, s. 3, subs. 2, amended

(2) Every registrant shall pay to the Treasurer a tax at the rate of 20.5 cents per imperial gallon on all fuel used by him to generate power for the propulsion of a motor vehicle. Idem

2. Subsection 1 of section 19 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 248, s. 19, subs. 1, re-enacted

(1) Subject to subsection 1*a*, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. Information to be secret

(1*a*) The Treasurer may, Communication of information to other jurisdictions

(*a*) communicate or allow to be communicated information obtained under this Act; or

(*b*) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

Commencement

3.—(1) This Act, except section 1, comes into force on the 1st day of April, 1964.

Idem

(2) Section 1 shall be deemed to have come into force on the 13th day of February, 1964.

Short title

4. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1964.*

An Act to amend
The Motor Vehicle Fuel Tax Act

1st Reading

February 12th, 1964

2nd Reading

3rd Reading

MR. ALLAN

1964

BILL 41

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Motor Vehicle Fuel Tax Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 41 **1964**

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Motor Vehicle Fuel Tax Act* is amended by striking out "18.5" in the second line and inserting in lieu thereof "20.5", so that the subsection shall read as follows: R.S.O. 1960, c. 248, s. 3, subs. 1, amended

(1) Every purchaser shall pay to the Treasurer a tax at the rate of 20.5 cents per imperial gallon on all fuel received by him. Tax

(2) Subsection 2 of the said section 3 is amended by striking out "18.5" in the second line and inserting in lieu thereof "20.5", so that the subsection shall read as follows: R.S.O. 1960, c. 248, s. 3, subs. 2, amended

(2) Every registrant shall pay to the Treasurer a tax at the rate of 20.5 cents per imperial gallon on all fuel used by him to generate power for the propulsion of a motor vehicle. Idem

2. Subsection 1 of section 19 of *The Motor Vehicle Fuel Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 248, s. 19, subs. 1, re-enacted

(1) Subject to subsection 1*a*, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. Information to be secret

(1*a*) The Treasurer may, Communication of information to other jurisdictions

(*a*) communicate or allow to be communicated information obtained under this Act; or

(*b*) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

Commencement

3.—(1) This Act, except section 1, comes into force on the 1st day of April, 1964.

Idem

(2) Section 1 shall be deemed to have come into force on the 13th day of February, 1964.

Short title

4. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1964.*

An Act to amend
The Motor Vehicle Fuel Tax Act

1st Reading

February 12th, 1964

2nd Reading

March 4th, 1964

3rd Reading

March 25th, 1964

MR. ALLAN

1964

BILL 42

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Reformatories Act

MR. GROSSMAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The section repealed authorizes the Lieutenant Governor in Council to cause land not exceeding 200 acres to be acquired in connection with a reformatory. The limitation is obsolete, and its removal brings the Act into line with existing practice and the scope of present-day activities. The present procedure is to acquire land under *The Public Works Act.*

BILL 42 **1964**

An Act to amend The Reformatories Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Reformatories Act* is repealed. R.S.O. 1960, c. 347, s. 22, repealed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Reformatories Amendment Act, 1964.* Short title

An Act to amend The Reformatories Act

1st Reading

February 18th, 1964

2nd Reading

3rd Reading

MR. GROSSMAN

1964

BILL 42

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Reformatories Act

MR. GROSSMAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 42 **1964**

An Act to amend The Reformatories Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Reformatories Act* is repealed. R.S.O. 1960, c. 347, s. 22, repealed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Reformatories Amendment Act, 1964.* Short title

An Act to amend The Reformatories Act

1st Reading

February 18th, 1964

2nd Reading

March 4th, 1964

3rd Reading

March 25th, 1964

MR. GROSSMAN

1964

BILL 43

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Election Act

MR. MACDONALD

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to reduce the age of persons who may vote at provincial elections from twenty-one years to eighteen years.

BILL 43 **1964**

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of paragraph 1 of subsection 1 of section 17 of *The Election Act* is amended by striking out "twenty-one" and inserting in lieu thereof "eighteen". R.S.O. 1960, c. 118, s. 17, subs. 1, par. 1, cl. *a*, amended

(2) Paragraph 2 of subsection 1 of the said section 17 is amended by striking out "twenty-one" in the eighth line and inserting in lieu thereof "eighteen". R.S.O. 1960, c. 118, s. 17, subs. 1, par. 2, amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Election Amendment Act, 1964*. Short title

An Act to amend The Election Act

1st Reading

February 20th, 1964

2nd Reading

3rd Reading

MR. MACDONALD

1964

BILL 44

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Registry Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. Notices of sale by mortgagees are included in the definition of instrument, and plan of subdivision is defined.

Section 2. The present Act is designated as Part I for the purpose of adding two new Parts.

Section 3. The amendment provides for altering the boundaries of registry divisions.

BILL 44 **1964**

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Registry Act* is amended by inserting after "mortgage" in the third line "notice of sale by a mortgagee". R.S.O. 1960, c. 348, s. 1, cl. *d*, amended

(2) The said section 1, as amended by section 1 of *The Registry Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 1, amended

(*fa*) "plan of subdivision" means a plan by which the owner of land divides the land into designated lots or blocks, but does not include a plan to which *The Cemeteries Act* or *The Expropriation Procedures Act, 1962-63* applies. R.S.O. 1960, c. 47 1962-63, c. 43

2. *The Registry Act* is amended by inserting the heading "PART I" immediately preceding section 2. R.S.O. 1960, c. 348, amended

3. Subsection 2 of section 4 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 4, subs. 2, re-enacted

(2) The Lieutenant Governor in Council may, by regulation, Changes in registry divisions

(*a*) combine two registry divisions into one registry division;

(*b*) divide a registry division in a provisional judicial district into two registry divisions; or

(*c*) annex a part of a registry division to an adjoining registry division,

but there shall be at least one registry office for each county or district described in section 1 of *The Territorial Division Act*. R.S.O. 1960, c. 395

R.S.O. 1960, c. 348, s. 6, subs. 2, amended

4.—(1) Subsection 2 of section 6 of *The Registry Act* is amended by inserting after "subsection 1" in the fourth line "or 5", so that the subsection shall read as follows:

Expense

(2) A town separated from a county for municipal purposes, and a city for which there is no separate registry office, shall bear such equitable proportion of the expense incurred under subsection 1 or 5 as the Inspector directs.

R.S.O. 1960, c. 348, s. 6, subs. 4, re-enacted

(2) Subsection 4 of the said section 6 is repealed and the following substituted therefor:

Municipality to provide equipment

(4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall, when so required by the Inspector, provide typewriters, telephones, directories and such other equipment and supplies as the Inspector deems necessary for the purpose of the office, and the Inspector may direct that equipment other than filing equipment or furniture shall be leased rather than purchased.

Where registry office facilities inadequate

(5) Where it appears that the building or the part of a building that is provided by a county or city for a registry office is inadequate, having regard to the volume of business, storage requirements, staff facilities or otherwise, the Lieutenant Governor in Council may direct the county or city to erect a new building or an addition to the existing building upon a plan and on a site to be approved by him.

R.S.O. 1960, c. 348, s. 19, subs. 2, re-enacted

5. Subsection 2 of section 19 of *The Registry Act* is repealed and the following substituted therefor:

Production of originals upon order of judge or magistrate

(2) A judge of a court or a magistrate in Ontario may, for the purposes of a hearing, order a registrar to produce any instrument or document in his custody where, in the opinion of the judge or magistrate, a certified copy thereof is not sufficient.

Delivery

(3) Upon receipt of an order under subsection 2 and the fee prescribed for a certified copy of the instrument or document required by the order to be produced, the registrar shall prepare a certified copy of the instrument or document and deliver the original instrument or document to the person named in the order.

SECTION 4. Municipalities are authorized to obtain registry office equipment by lease, and the Lieutenant Governor in Council is authorized to require a municipality to increase registry office accommodation.

SECTION 5. The amendment provides more specific procedure for the release and return of registry office documents for court purposes.

SECTION 6. The caution referred to is added to the list of instruments that may be recorded in the general register.

SECTION 7. Powers of attorney are not required to be entered in the abstract index but will be recorded in the general register.

SECTION 8. The law governing the exercise of powers of appointment to uses is codified and made uniform with corresponding provisions in *The Land Titles Act.*

(4) The registrar shall attach the order to the certified copy and shall file the copy in his office in place of the original instrument or document until the original has been returned. Substituting a copy

(5) Notwithstanding subsection 2 of section 52 of *The Evidence Act*, an instrument, document or book produced by a registrar under this section shall be returned to the custody of the registrar after the final disposition of the cause or action to which it pertains. Return of documents to registrar R.S.O. 1960, c. 125

6. Subsection 8 of section 20 of *The Registry Act*, as re-enacted by subsection 3 of section 7 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following item: R.S.O. 1960, c. 348, s. 20, subs. 8 (1962-63, c. 124, s. 7, subs. 3), amended

15. A caution under section 13 of *The Devolution of Estates Act*, not containing a local description, or a certificate withdrawing such a caution. R.S.O. 1960, c. 106

7. Subsection 2 of section 29 of *The Registry Act* is amended by inserting after "instrument" in the first line "other than a power of attorney", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 2, amended

(2) Every instrument, other than a power of attorney, that mentions such parcel or lot of land or other subdivision, the names of every party to the instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries required by law, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land. Entries

8. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

31*a*.—(1) In this section, Interpretation

(*a*) "deed" means an instrument purporting to grant or convey land, other than a mortgage;

(*b*) "deed to uses" means a deed expressed to be given to such uses as the grantee may appoint by deed, mortgage or will;

(*c*) "owner to uses" means a grantee under a registered deed to uses;

(*d*) "unencumbered interest" means the interest that an owner to uses is capable of appointing.

Exercise of power of appointment in deed to uses

(2) An owner to uses may exercise his power of appointment by a deed or mortgage or by his will.

Mortgage does not exhaust power

(3) An appointment by way of mortgage by an owner to uses does not exhaust his power of appointment.

Effect of discharge of mortgage

(4) Notwithstanding the registration of a discharge of a mortgage,

(*a*) that was made by way of appointment by the owner to uses; or

(*b*) to which the land was subject when he became the owner to uses,

the owner to uses may exercise his power of appointment as though the mortgage had not been made.

Effect of default of appointment

(5) An owner to uses who dies without having exercised his power of appointment by deed, mortgage or will shall be deemed to have appointed the land by way of deed to himself immediately before his death.

Idem

(6) An owner to uses who has appointed the land or a part thereof in respect of which he has a power of appointment by way of mortgage and who dies without having appointed by way of deed or will shall be deemed to have appointed the unencumbered interest in the land by way of deed to himself immediately before his death.

No inchoate dower right

(7) Until the death of an owner to uses who is a married man, his wife has no right to dower in the land of which he is the owner to uses.

Where widow entitled to dower

(8) The widow of an owner to uses, unless otherwise disentitled, has a right to dower only in the unencumbered interest her husband had in the land of which he was the owner to uses at the date of his death.

R.S.O. 1960, c. 348, s. 32, re-enacted

9. Section 32 of *The Registry Act* is repealed and the following substituted therefor:

SECTION 9. The present provision enables the designation of registry divisions in which the maximum size of instruments applies. The amendment makes the maximum size of universal application.

SECTION 10. Local descriptions of land are not required on plans or full discharges of mortgages.

SECTION 11. The exceptions to the requirement for affidavits of execution are re-enacted for clarity, and the list is expanded to include the documents mentioned in clauses *m*, *n* and *o* of the new subsection 1*a*.

32. An instrument executed on or after the 1st day of July, 1964, other than a plan of survey, shall not be registered if its dimensions are greater than 8½ inches by 14 inches. Maximum size of instrument

10. Subsections 1, 2, 3, 4, 5 and 6 of section 33 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 33, subss. 1, 2, re-enacted; subss. 3-6, repealed

(1) Except as provided by subsections 5*a* and 8 of section 20, an instrument that does not contain a local description of the land affected thereby other than a plan or a certificate in the prescribed form completely discharging a mortgage shall not be registered unless the instrument is otherwise capable of registration and has securely attached to it a declaration in the prescribed form by a party to the instrument, or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division and containing a local description. Local description required

(2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in subsection 1. Registration of declaration as to lands affected

11. Subsection 1 of section 34 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 34, subs. 1, re-enacted

(1) An instrument shall not be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party, including a guarantor or surety, who appears to to have executed it. Affidavit of witness

(1*a*) Subsection 1 does not apply to, Where not required

(*a*) a will;

(*b*) a grant or lease from the Crown;

(*c*) an order in council;

(*d*) an instrument that purports to be executed by an officer of the Government of Ontario;

(*e*) the execution of an instrument by a corporation under its seal;

(*f*) a by-law of a municipality;

(*g*) a certificate of judicial proceedings;

(*h*) a plan or a plan and description in respect of expropriated land;

R.S.O. 1960, c. 171

(*i*) an instrument under section 3, 6 or 13 of *The Highway Improvement Act*;

R.S.O. 1960, c. 296

(*j*) a consent under section 26 of *The Planning Act*;

(*k*) a copy of an instrument certified under section 43;

(*l*) a sworn or notarial copy of an instrument where such copy may be registered;

(*m*) a statutory declaration;

R.S.O. 1960, c. 98

(*n*) a tax arrears certificate, redemption certificate or vacating certificate under *The Department of Municipal Affairs Act*;

R.S.O. 1960, c. 23

(*o*) a tax sale notice or redemption receipt under *The Assessment Act*.

R.S.O. 1960, c. 348, s. 36, re-enacted

12. Section 36 of *The Registry Act* is repealed and the following substituted therefor:

Registrar and deputy registrar may administer oath

36.—(1) Every registrar and deputy registrar of deeds is *ex officio* a commissioner for taking affidavits for use under this Act and relating to land in his registry division.

Affidavits, etc., made outside Ontario
R.S.O. 1960, c. 125

(2) Notwithstanding sections 44 and 45 of *The Evidence Act*, an affidavit, affirmation or declaration sworn, affirmed or made under section 44 or 45 of *The Evidence Act* is not sufficient for the purposes of this Act unless it is admissible in evidence without proof of signature under subsection 3 of section 45 of *The Evidence Act*.

R.S.O. 1960, c. 348, s. 41, amended

13. Section 41 of *The Registry Act* is amended by adding thereto the following subsection:

SECTION 12. The provision giving registrars and their deputies the powers of commissioners for taking affidavits for registry office purposes is clarified. An affidavit sworn in a foreign jurisdiction is not sufficient for registration unless *The Evidence Act* authorizes its use in court without proof of the commissioner's signature.

SECTION 13. The signature of an individual who executes an instrument for a corporation under a power of attorney is required to be verified by an affidavit of a subscribing witness.

SECTION 14. The amendment permits an original order of a judge to be registered where it is endorsed on an instrument.

SECTION 15. An instrument that is deposited may also be registered.

SECTION 16. The section is re-enacted to recognize the more prevalent use of microfilm for recording mortgages in full. Subsection 3 of section 48 is a re-enactment of subsection 7 of section 61 of the Act.

(2) Where an attorney empowered under section 294 of *The Corporations Act* or section 19 of the *Companies Act* (Canada) executes an instrument under his seal on behalf of a corporation, subsection 1 of section 34 applies.

Proof of execution by attorney for corporation
R.S.O. 1960, c. 71
R.S.C. 1952, c. 53

14. Subsection 1 of section 42 of *The Registry Act*, as re-enacted by section 17 of *The Registry Amendment Act, 1962-63*, is amended by inserting after "land" in the second line "other than an order or certificate endorsed on an instrument", so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 42 (1962-63, c. 124, s. 17), subs. 1, amended

(1) A judgment or order of a court or judge affecting land, other than an order or certificate endorsed on an instrument, may be registered in the registry office of the registry division in which the land is situate by registering therein,

Judgments and orders affecting land

(*a*) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order; or

(*b*) a copy of the judgment or order certified as such by the proper officer of the court.

15. *The Registry Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 348, amended

43*a*. A copy of an instrument deposited under Part II of this Act or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, certified by the registrar in whose office the instrument is deposited, may be registered subject to the proof for registration required by this Act.

Registration of deposits

16. Section 48 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 348, s. 48, re-enacted

48.—(1) Notwithstanding section 47, where a mortgage is registered in a registry office in which a system of recording instruments on photographic film has not been established, the registrar shall cause to be entered in the registry book in its proper order the registration number and time of receipt that have been endorsed on the mortgage under section 54 and the words "Mortgage not recorded in full", the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption,

Entry of mortgages in copy books

the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the mortgaged land, and the registrar shall also cause the mortgage to be recorded in the abstract index where the entry shall include the words "Not recorded in full".

Subsequent recording in full

(2) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction.

When mortgage to be recorded in full

(3) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has not been recorded in full shall be registered until the mortgage and any assignment thereof have been duly registered and recorded in full under subsection 2.

R.S.O. 1960, c. 348, s. 52, subss. 1-3, re-enacted

17.—(1) Subsections 1, 2 and 3 of section 52 of *The Registry Act* are repealed and the following substituted therefor:

Affidavit as to age

(1) A deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, plan of subdivision, release or quit claim that is executed by one or more men or women shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such person or any one of such persons, as the case may be, or, if the document is executed by an attorney, by that attorney, deposing or declaring that each such person was of the full age of twenty-one years at the time of the execution.

Powers of attorney

(1*a*) A power of attorney executed by one or more men or women after the 1st day of July, 1964, shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration made by one of the persons by whom it was executed or by the attorney deposing or declaring that each person by whom the power of attorney was executed was of the full age of twenty-one years at the time of the execution.

SECTION 17—Subsections 1, 2, 3, 4. Affidavits as to age and marital status are required on leases, assignments of leases and plans of subdivision where appropriate, and affidavits are required as to the age of a trustee under a will and by a principal executing by power of attorney.

(2) A deed, conveyance, mortgage, lease, release or quit claim that is executed by a man and in which a woman joins as his wife to bar her dower shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing or declaring that they were legally married at the time of the execution. Affidavit as to marriage

(3) A deed, conveyance, mortgage, lease, release or quit claim that is executed by a man and in which no one joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by the man, or, if the document is executed by an attorney, by that attorney, deposing or declaring that the man was married, unmarried, divorced or a widower, as the case may be, at the time of the execution. Affidavit as to marital status

(2) Subsection 6 of the said section 52 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 52, subs. 6, re-enacted

(6) Subsection 1 does not apply, Where subs. 1 does not apply

(*a*) to a wife who joins in a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, plan of subdivision, release or quit claim solely for the purpose of barring her dower; or

(*b*) to a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, plan of subdivision, release or quit claim made by an executor or administrator or by the Public Trustee or any other person dealing with lands in an official capacity.

(3) Clause *b* of subsection 7 of the said section 52 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 52, subs. 7, cl. *b*, re-enacted

(*b*) to a deed, conveyance, mortgage, lease, release or quit claim made by men or women as joint tenants, trustees or under power of appointment or who hold the lands as partnership property if they are so described in a registered conveyance of the lands to them.

(4) Clause *d* of subsection 7 of the said section 52 is amended by striking out "assignment of mortgage" in the first and R.S.O. 1960, c. 348, s. 52, subs. 7, cl. *d*, amended

second lines and inserting in lieu thereof "lease", so that the clause shall read as follows:

(*d*) to a deed, conveyance, mortgage, lease, release or quit claim made by an executor or administrator or trustee under a will or by the Public Trustee or any other person dealing with lands in an official capacity.

R.S.O. 1960, c. 348, s. 52, amended

(5) The said section 52 is amended by adding thereto the following subsection:

Affidavit by corporate attorney

(8) Where any affidavit or declaration required by this section is made by an attorney that is a corporation, the affidavit or declaration shall be made by an officer of the corporation.

R.S.O. 1960, c. 348, amended

18. *The Registry Act* is amended by adding thereto the following section:

Interpretation

53*a*.—(1) In this section, "grantee" includes a grantee under a deed or other conveyance, a mortgagee or a person claiming an interest in land.

Description of grantee

(2) An instrument executed on or after the 1st day of July, 1964, shall not be registered unless every grantee thereunder, other than a corporation, is described by his surname and by at least one given name in full.

R.S.O. 1960, c. 348, s. 61, repealed

19. Section 61 of *The Registry Act*, as amended by section 24 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 348, s. 66, re-enacted

20. Section 66 of *The Registry Act* is repealed and the following substituted therefor:

Discharge of mortgages held by amalgamated loan or trust corporations

66. Where a loan or trust corporation that has acquired the assets of another loan or trust corporation by amalgamation of such corporations desires to discharge any of the mortgages of such corporation and the certificate of amalgamation or a sworn copy thereof has been registered, it is sufficient to set forth in the instrument to be registered the fact of the assent of the Lieutenant Governor in Council or the Governor in Council, as the case may be, to the amalgamation with the date of the certificate of amalgamation and its registered number, or a reference to the Act by which the loan or trust corporations were amalgamated or by which the agreement

Subsection 5. Provision is made for the making of affidavits by officers of corporate attorneys.

SECTION 18. Self-explanatory. The new section complements similar requirements for the description of debtors in writs of execution.

SECTION 19. The repealed section provides a method for registering proof of service in respect of a sale on default under a mortgage. Subsection 1 of the repealed section is included in clause *d* of section 1 of the Act, as re-enacted by subsection 1 of section 1 of this Bill and section 127 of the Act, as enacted by section 33 of this Bill. Subsections 2 to 6 of the repealed section are obsolete. Subsection 7 of the repealed section is re-enacted as subsection 3 of section 48 of the Act by section 16 of this Bill.

SECTION 20. The section is extended to include Ontario trust corporations and federal loan or trust corporations.

SECTION 21. The municipalities required to register orders or instruments establishing or altering their boundaries are enlarged to include incorporated townships and improvement districts, and the section is rephrased to complement proposed amendments to sections 12 and 14 of *The Municipal Act.*

SECTION 22. Section 86 is re-enacted for the purpose of transferring certain procedures and formal requirements to the regulations. Subsection 3 is new.

was ratified, and upon registration of the discharge the registrar shall enter in the abstract index the particulars of amalgamation mentioned in the discharge.

21. Subsection 3 of section 75 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960 c. 348, s. 75, subs. 3, re-enacted

(3) Every order of the Ontario Municipal Board or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office. Orders, etc., re changes in municipal boundaries

22. Section 86 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 86, re-enacted

86.—(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots or blocks by reference to a plan that has not been registered, the person making the survey and subdivision shall register a plan prepared by a surveyor in accordance with the regulations. Registration of plans where land subdivided

(2) Subject to section 90, an instrument affecting the land on a plan or any part thereof executed after the plan is registered, except a certificate in the prescribed form completely discharging a mortgage, shall not be registered unless it conforms to the plan. Instruments to conform to plan

(3) Where land is mortgaged and subsequently subdivided by a registered plan, any discharge of the mortgage registered after the plan is registered shall be entered in the abstract index for the affected lots according to the plan. Discharge of prior mortgage

(4) Where the person making the subdivision refuses or neglects, for two months after demand in writing for that purpose, to register the plan in accordance with this Act, when required by any person interested therein or by the Inspector so to do, he is guilty of an offence and on summary conviction is liable to a fine of $20 for every calendar month that thereafter elapses without the plan being registered. Offence for refusing to register plan

(5) Any public or private street, way, lane or alley, or block, tract or lot, being the only access to a lot or lots laid down on a plan of subdivision, shall be deemed to be a street or highway. What to be deemed street or highway

Plans of unpatented lands

(6) The registrar shall not register a plan of a subdivision of land for which a Crown patent has not issued unless the assent of the Minister of Lands and Forests to the registration is endorsed on the plan.

Registrar not to file plans for anyone but owner or without consent of mortgagees

(7) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, or unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person and, except in the case of a corporation, every such signature is verified by affidavit, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Approvals under R.S.O. 1960, c. 296

(8) No plan to which *The Planning Act* applies, except a plan registered under section 26, 88, 94 or 94*a* of this Act, shall be registered unless approved under *The Planning Act*.

Illustration of vague or complex description

86*a*. Where an instrument submitted for registration contains a description that in the opinion of the registrar is difficult to apply because of its complexity or vagueness, the registrar may require that the description be illustrated, and the illustration shall be attached to the instrument and shall be by,

(*a*) a plan or a print of a plan of the land made by a surveyor; or

(*b*) a sketch of the land drawn to scale, and including,

(i) the distance from the land so described to one or more lot angles; or

(ii) a tie to a point of reference contained in a registered instrument.

R.S.O. 1960, c. 348, s. 88, subs. 1, re-enacted

23.—(1) Subsection 1 of section 88 of *The Registry Act* is repealed and the following substituted therefor:

Abstract index to subdivision lots

(1) The Inspector may direct the registrar to subdivide any lot or designated area into such lots, blocks or parts for abstract purposes as, having regard to conveyances registered upon such lots and otherwise,

The new section 86*a* is self-explanatory.

SECTION 23—Subsection 1. The amendment provides for the preparation and registration of a registrar's compiled plans.

Subsection 2. The repealed provisions authorize the Inspector to direct the payment of and fix fees for the preparation of abstracts upon the registration of plans. All fees under the Act are now fixed by regulation.

SECTION 24. The purpose of the amendments is for clarity and for uniformity with corresponding provisions in *The Land Titles Act.*

he directs, and in such case an abstract index shall be prepared by the registrar for each of such lots, blocks or parts as if it had been originally a separate lot, and shall extend from any past or future date directed by the Inspector, and shall contain only those registrations that affect the subdivision to which the index relates.

Registrar's compiled plan may be registered

(1*a*) Where an abstract index is prepared under subsection 1, the Inspector may direct the registrar to cause a plan to be compiled showing the lots, blocks and parts into which the designated area has been subdivided, and the compiled plan, bearing the title "Registrar's Compiled Plan", may be registered.

Idem

(1*b*) Where the registrar is unable to prepare an abstract or a compiled plan under subsection 1 without the assistance of a surveyor, he may, with the approval of the Inspector, engage a surveyor to assist in such preparation.

Idem

(1*c*) Where a compiled plan is registered under subsection 1*a*, subsections 2 and 3 of section 86 and subsection 16 of section 94 apply.

R.S.O. 1960, c. 348, s. 88, subss. 5, 6, repealed

(2) Subsections 5 and 6 of the said section 88 are repealed.

R.S.O. 1960, c. 348, s. 91, subss. 1, 2, re-enacted

24.—(1) Subsections 1 and 2 of section 91 of *The Registry Act* are repealed and the following substituted therefor:

When registered plan not binding

(1) A registered plan is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered.

Amendment of plan

(2) Upon the application of the person by whom a plan was registered or of his assigns, or of the owner for the time being of land within the plan, a judge of the Supreme Court or a judge of the county or district court of the county or district in which the land lies may authorize or order amendments or alterations to be made to the registered plan.

R.S.O. 1960, c. 348, s. 91, amended

(2) The said section 91 is amended by adding thereto the following subsection:

Plan of re-subdivision may be registered

(5) Nothing in this section prevents the registration of a plan of re-subdivision if, where a public highway is affected by the re-subdivision, the proper officers of the authority having jurisdiction and control over the highway consent to the plan.

R.S.O. 1960, c. 348, amended

25. *The Registry Act* is amended by adding thereto the following section:

Registration of amended plan

92*a*. Where an amendment to a plan under section 91 or 92 alters the size or boundaries of any lot or block, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of subdivision and the provisions of *The Planning Act* respecting the approval of plans of subdivision apply to the amended plan.

R.S.O. 1960, c. 296

R.S.O. 1960, c. 348, s. 94, subss. 13-15, 17, repealed

26.—(1) Subject to subsection 2, subsections 13, 14, 15 and 17 of section 94 of *The Registry Act* are repealed.

Saving

(2) Subsections 13, 14, 15 and 17 of the said section 94, as repealed by subsection 1, continue to apply to the preparation and registration of any plan ordered to be made under the said subsection 13 before subsection 1 of this section comes into force.

R.S.O. 1960, c. 348, amended

27. *The Registry Act* is amended by adding thereto the following section:

Order for draft plan

94*a*.—(1) Where parts of lots, blocks or other designated areas shown by a registered plan have been conveyed or where any other land has been conveyed by metes and bounds or in any other manner without a plan having been registered showing such subdivisions, a judge of the county or district court of the county or district in which the land is situate may, upon the application of the Inspector and upon notice in the prescribed manner to all persons affected, make an order directing the land or any part thereof to be laid out into lots or in such other manner and numbered as the judge thinks fit, and a draft plan thereof to be made from actual survey by a surveyor and in accordance with the records of the registry office.

Restraining order

(2) After an order has been made under subsection 1 and after a draft plan has been prepared by the surveyor, the Inspector may issue a restraining order in respect of the land to be included in the plan and any land adjacent thereto that may be affected by the plan, and, subject to subsection 3, after registration of the restraining order no instrument conveying the land or any part thereof, other than a mortgage, shall be registered until after registration of the plan.

SECTION 25. The purpose of the new section is to ensure compliance with *The Planning Act*.

SECTION 26. The repealed provisions relate to judges' plans, and the subject is dealt with in section 27 of this Bill.

SECTION 27. The effect of judges' plans is strengthened, and the procedures for their preparation and registration are improved.

(3) The Inspector may amend, suspend or withdraw a restraining order issued under subsection 2. Amendment, suspension and withdrawal of restraining order

(4) Where a draft plan of subdivision has been prepared pursuant to an order made under subsection 1, the Inspector may, upon notice in the prescribed manner to all persons interested, apply to a judge of the county or district court of the county or district in which the land is situate for an order that a plan bearing the title "Judge's Plan" be prepared in accordance with the regulations and incorporating such amendments to the draft plan as the judge thinks proper and registered, and the judge may make such order. Order for registration of judge's plan

(5) An order made under this section may determine the limits of any parcel of land, and, upon registration of the plan, the limits shall be deemed to be those shown on the plan. Effect of registration of judge's plan

(6) The costs and expenses of and incidental to the application and the plan and the registration thereof shall be borne by the person or municipality to be named by the judge in the order, and, where the costs and expenses are directed to be borne by the municipality, the judge may by his order direct repayment of them to the municipality by the levy of a special rate by assessment on all the lots included in the plan. Costs

(7) An order made under this section, on being filed with the clerk of the court, may be enforced as if it were a judgment of the court. Effect of filing order

(8) Where an application is made for an order under this section, the Inspector may cause the Attorney General to be notified of the application, and the Attorney General, on behalf of the Crown, may submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 6 as the judge determines to be reasonable, or the Attorney General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 6. Contribution by Crown to cost of plan

Appeal

(9) An order made under this section may be appealed to the Court of Appeal.

Payments out of Consolidated Revenue Fund

(10) Any amount payable by the Crown under subsection 8 shall be paid out of the Consolidated Revenue Fund.

R.S.O. 1960, c. 348, s. 95, repealed

28. Section 95 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 104, amended

29. Section 104 of *The Registry Act* is amended by adding thereto the following subsection:

Reduction of fees

(1*a*) Where, in the opinion of the Inspector, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Inspector may reduce the fee to such amount as he deems appropriate.

R.S.O. 1960, c. 348, s. 113, amended

30. Section 113 of *The Registry Act*, as amended by section 44 of *The Registry Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Division of surplus fees under subs. 2

(5) Notwithstanding subsection 2, the Inspector may, in respect of any registry division, direct that the fees payable to the county and to a city or town shall be computed,

(*a*) in the proportion that the number of instruments affecting land in the county bears to those affecting land in the city or town; or

(*b*) upon the joint application of the county and the city or town, in the proportions requested in the application.

R.S.O. 1960, c. 348, amended

31. *The Registry Act* is amended by adding thereto the following section:

Deputy registrar at large

124*b*. The Inspector may appoint a person to act as a deputy registrar in any registry office as directed by the Inspector, who shall be deemed to be the deputy registrar therein during such period as the Inspector designates.

R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, cl. *f*, re-enacted

32.—(1) Clause *f* of subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(*f*) governing standards for surveys and plans of land to which this Act applies, and procedures for their registration.

SECTION 28. The repealed section provides for procedures upon registration of plans of subdivision. These procedures will be dealt with by regulation.

SECTION 29. Self-explanatory.

SECTION 30. The new subsection provides a simplified method of computing the division of surplus revenue between a county and a city or separated town.

SECTION 31. The new subsection provides a method of supplying a deputy registrar during temporary need.

SECTION 32. The regulating powers are amended to complement the other provisions of this Bill.

SECTION 33. The provisions of *The Custody of Documents Act* are transferred to *The Registry Act*. Provisions concerning references in deposits to land outside the registry division and to the withdrawal of deposits are omitted as obsolete.

(2) Subsection 1 of the said section 126 is amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, amended

(*ga*) governing the procedures to be followed in connection with judges' plans.

(3) Clause *k* of subsection 1 of the said section 126 is amended by inserting after "alphabetical" in the first line "or deposit", so that the clause shall read as follows: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, cl. *k*, amended

(*k*) governing the content of alphabetical or deposit indexes and dispensing therewith in any registry division.

33. *The Registry Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 348, amended

PART II

DEPOSITS

127. In this Part, "document" includes an instrument and any certificate, affidavit, statutory declaration or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend, a notice of sale, or other notice necessary to the exercise of any power of sale or appointment or other power relating to land, and a receipt for payment of money under a registered instrument. Interpretation

128.—(1) A document may be deposited in the office of the registrar of any registry division in which any land to which it relates is situate. Deposit of document

(2) The deposit of a document under this Part shall not be deemed a registration thereof and the admissibility or value of any document as evidence shall not be affected by the deposit. Effect of deposit

129. Upon every such deposit, the person making the deposit shall deliver to the registrar in duplicate a requisition in the prescribed form which may include any number of documents not exceeding ten, and the registrar shall sign a receipt upon the duplicate for the documents therein mentioned, and shall deliver the receipt to the person making the deposit. Requisition to be filed and receipt given

Each document to be numbered and entered in deposit index

130.—(1) Subject to the regulations, upon receiving the requisition and the documents therein mentioned, the registrar shall enter every document in consecutive order in a book in the prescribed form, to be called the "Deposit Index", and shall endorse on each document the word "deposited", with the date and number deposit, and shall also endorse on the requisition the number so placed on the documents therein mentioned.

Names to be entered in alphabetical index

(2) Subject to the regulations, the registrar shall also enter in an alphabetical index, to be called the "Alphabetical Deposit Index", the number of the deposit and the name of every party to the document, or to the action, suit or proceeding to which the document relates, or, if the document is a certificate or an affidavit or a statutory declaration or other proof as to the birth, baptism, marriage, divorce, death or burial of any person, the name of such person.

Entry on abstract index

(3) Where a deposit refers to a lot or parcel of land, the registrar shall enter in red ink on the abstract index against each such lot or parcel the words "See Deposit No. . . .".

Copying of deposit

(4) The registrar shall copy in full in a proper registry book every document deposited under this Part or shall record the same at full length by means of photographic film reproduction.

Custody of deposits

(5) The provisions of Part I applying to property in or custody of instruments apply to documents deposited under this Part or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof.

Sections 17*a* and 19 apply to deposits

131. Sections 17*a* and 19 apply to a document deposited under this Part.

Deposit relieves from liability

132.—(1) The deposit of a document under this Part shall be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement entered into by any person to produce or allow the inspection of, or the making of, any copy of or extract from the document, and absolves any person liable for the production or custody thereof from any further liability in respect of such custody or production.

SECTION 34. The provisions of *The Investigation of Titles Act* are transferred to *The Registry Act* and revised. The present provisions have not been revised since 1929.

(2) An executor, administrator or trustee may reimburse himself out of the estate for any expense that he incurs in or about depositing any document that came into his possession or control as such executor, administrator or trustee. Expenses of executors, etc.

34. *The Registry Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 348, amended

PART III

INVESTIGATION OF TITLES

133. In this Part, Interpretation

(*a*) "claim" means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights whether inchoate or otherwise, and restrictions as to the use of land or other encumbrance affecting land;

(*b*) "owner" means a person entitled to a freehold, leasehold or other estate or interest in land at law or in equity, possession, in futurity or in expectancy.

134.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or referred to in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, registered against the land within the forty-year period. Claims unregistered for 40 years expire

(2) Subsection 1 does not apply to, Exceptions

(*a*) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;

(*b*) a claim of the Crown or of a municipality in respect of any public highway or lane;

(*c*) a wife's claim to inchoate right to dower in land while her husband is wholly or in part the owner thereof;

(*d*) a claim to an unregistered right-of-way or other easement or right that a person is openly enjoying and using; or

(*e*) any claim imposed by a statutory enactment.

Idem

(3) For the purposes of subsection 1,

(*a*) a wife's claim to inchoate right to dower shall be deemed to be acknowledged or referred to in an instrument by which her husband alienates the land;

(*b*) an instrument, the entry of which has been ruled off the abstract index under section 73, shall be deemed not to have been registered.

Title shown for 40 years

(4) A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 2.

Registration of notice of claim

135.—(1) A person having a claim against land that is not barred under section 134 or a person on his behalf may register in the proper registry office a notice which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

Idem

(2) Notwithstanding subsection 1 of section 134 and subsection 1 of this section, a notice of a claim that has expired by virtue of the operation of subsection 1 of section 134 may be registered under subsection 1 if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 1 of section 134.

Registration not to validate expired claim

(3) The registration of a notice under subsection 1 does not validate a claim that has otherwise expired.

SECTIONS 35 and 36. Unproclaimed provisions, superseded by this Act, are removed.

SECTION 37. Self-explanatory.

136. Where there is any conflict between the provisions of this Part and those of any Act or any regulation made thereunder or of any rule of law, the provisions of this Part prevail. This Part to prevail over other provisions

35. Sections 13, 14, 19 and 35 of *The Registry Amendment Act, 1962-63* are repealed. 1962-63, c. 124, ss. 13, 14, 19, 35, repealed

36. Subsection 3 of section 54 of *The Registry Amendment Act, 1962-63* is amended by striking out "13, 14" in the first line, by striking out "19" in the first line and by striking out "35" in the second line. 1962-63, c. 124, s. 54, subs. 3, amended

37. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force. Validity of prior registrations not affected

38.—(1) This Act, except sections 33 and 34, comes into force on the 1st day of July, 1964. Commencement

(2) Sections 33 and 34 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

39. This Act may be cited as *The Registry Amendment Act, 1964.* Short title

BILL 44

An Act to amend The Registry Act

1st Reading

February 20th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 44

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Registry Act

MR. CASS

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

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Explanatory Notes

Section 1. Notices of sale by mortgagees are included in the definition of instrument, and plan of subdivision is defined.

Section 2. The present Act is designated as Part I for the purpose of adding two new Parts.

Section 3. The amendment provides for altering the boundaries of registry divisions.

BILL 44 **1964**

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Registry Act* is amended by inserting after "mortgage" in the third line "notice of sale by a mortgagee". R.S.O. 1960, c. 348, s. 1, cl. *d*, amended

(2) The said section 1, as amended by section 1 of *The Registry Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 1, amended

(*fa*) "plan of subdivision" means a plan by which the owner of land divides the land into designated lots or blocks, but does not include a plan to which *The Cemeteries Act* or *The Expropriation Procedures Act, 1962-63* applies. R.S.O. 1960, c. 47 1962-63, c. 43

2. *The Registry Act* is amended by inserting the heading "PART I" immediately preceding section 2. R.S.O. 1960, c. 348, amended

3. Subsection 2 of section 4 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 4, subs. 2, re-enacted

(2) The Lieutenant Governor in Council may, by regulation, Changes in registry divisions

(*a*) combine two registry divisions into one registry division;

(*b*) divide a registry division in a provisional judicial district into two registry divisions; or

(*c*) annex a part of a registry division to an adjoining registry division,

but there shall be at least one registry office for each county or district described in section 1 of *The Territorial Division Act*. R.S.O. 1960 c. 395

R.S.O. 1960, c. 348, s. 6, subs. 2, amended

4.—(1) Subsection 2 of section 6 of *The Registry Act* is amended by inserting after "subsection 1" in the fourth line "or 5", so that the subsection shall read as follows:

Expense

(2) A town separated from a county for municipal purposes, and a city for which there is no separate registry office, shall bear such equitable proportion of the expense incurred under subsection 1 or 5 as the Inspector directs.

R.S.O. 1960, c. 348, s. 6, subs. 4, re-enacted

(2) Subsection 4 of the said section 6 is repealed and the following substituted therefor:

Municipality to provide equipment

(4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall, when so required by the Inspector, provide typewriters, telephones, directories and such other equipment and supplies as the Inspector deems necessary for the purpose of the office, and the Inspector may direct that equipment other than filing equipment or furniture may be leased rather than purchased.

Where registry office facilities inadequate

(5) Where it appears that the building or the part of a building that is provided by a county or city for a registry office is inadequate, having regard to the volume of business, storage requirements, staff facilities or otherwise, the Lieutenant Governor in Council may direct the county or city to erect a new building or an addition to the existing building upon a plan and on a site to be approved by him.

R.S.O. 1960, c. 348, s. 19, subs. 2, re-enacted

5. Subsection 2 of section 19 of *The Registry Act* is repealed and the following substituted therefor:

Production of originals upon order of judge or magistrate

(2) A judge of a court or a magistrate in Ontario may, for the purposes of a hearing, order a registrar to produce any instrument or document in his custody where, in the opinion of the judge or magistrate, a certified copy thereof is not sufficient.

Delivery

(3) Upon receipt of an order under subsection 2 and the fee prescribed for a certified copy of the instrument or document required by the order to be produced, the registrar shall prepare a certified copy of the instrument or document and deliver the original instrument or document to the person named in the order.

SECTION 4. Municipalities are authorized to obtain registry office equipment by lease, and the Lieutenant Governor in Council is authorized to require a municipality to increase registry office accommodation.

SECTION 5. The amendment provides more specific procedure for the release and return of registry office documents for court purposes.

SECTION 6. The caution referred to is added to the list of instruments that may be recorded in the general register.

SECTION 7. Powers of attorney are not required to be entered in the abstract index but will be recorded in the general register.

SECTION 8. The law governing the exercise of powers of appointment to uses is codified and made uniform with corresponding provisions in *The Land Titles Act.*

(4) The registrar shall attach the order to the certified copy and shall file the copy in his office in place of the original instrument or document until the original has been returned. Substituting a copy

(5) Notwithstanding subsection 2 of section 52 of *The Evidence Act*, an instrument or document produced by a registrar under this section shall be returned to the custody of the registrar after the final disposition of the cause or action to which it pertains. Return of documents to registrar R.S.O. 1960, c. 125

6. Subsection 8 of section 20 of *The Registry Act*, as re-enacted by subsection 3 of section 7 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following item: R.S.O. 1960, c. 348, s. 20, subs. 8 (1962-63, c. 124, s. 7, subs. 3), amended

15. A caution under section 13 of *The Devolution of Estates Act*, not containing a local description, or a certificate withdrawing such a caution. R.S.O. 1960, c. 106

7. Subsection 2 of section 29 of *The Registry Act* is amended by inserting after "instrument" in the first line "other than a will or power of attorney", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 2, amended

(2) Every instrument, other than a will or power of attorney, that mentions such parcel or lot of land or other subdivision, the names of every party to the instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries required by law, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land. Entries

8. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

31*a*.—(1) In this section, Interpretation

(*a*) "deed" means an instrument purporting to grant or convey land, other than a mortgage;

(*b*) "deed to uses" means a deed expressed to be given to such uses as the grantee may appoint by deed, mortgage or will;

(*c*) "owner to uses" means a grantee under a registered deed to uses;

(*d*) "unencumbered interest" means the interest that an owner to uses is capable of appointing.

Exercise of power of appointment in deed to uses

(2) An owner to uses may exercise his power of appointment by a deed or mortgage or by his will.

Mortgage does not exhaust power

(3) An appointment by way of mortgage by an owner to uses does not exhaust his power of appointment.

Effect of discharge of mortgage

(4) Notwithstanding the registration of a discharge of a mortgage,

(*a*) that was made by way of appointment by the owner to uses; or

(*b*) to which the land was subject when he became the owner to uses,

the owner to uses may exercise his power of appointment as though the mortgage had not been made.

Effect of default of appointment

(5) An owner to uses who dies without having exercised his power of appointment by deed, mortgage or will shall be deemed to have appointed the land by way of deed to himself immediately before his death.

Idem

(6) An owner to uses who has appointed the land or a part thereof in respect of which he has a power of appointment by way of mortgage and who dies without having appointed by way of deed or will shall be deemed to have appointed the unencumbered interest in the land by way of deed to himself immediately before his death.

No inchoate dower right

(7) Until the death of an owner to uses who is a married man, his wife has no right to dower in the land of which he is the owner to uses.

Where widow entitled to dower

(8) The widow of an owner to uses, unless otherwise disentitled, has a right to dower only in the unencumbered interest her husband had in the land of which he was the owner to uses at the date of his death.

R.S.O. 1960, c. 348, s. 32, re-enacted

9. Section 32 of *The Registry Act* is repealed and the following substituted therefor:

SECTION 9. The present provision enables the designation of registry divisions in which the maximum size of instruments applies. The amendment makes the maximum size of universal application.

SECTION 10. Local descriptions of land are not required on plans or full discharges of mortgages.

SECTION 11. The exceptions to the requirement for affidavits of execution are re-enacted for clarity, and the list is expanded to include the documents mentioned in clauses *m*, *n* and *o* of the new subsection 1*a*.

32. An instrument executed on or after the 1st day of July, 1964, other than a plan of survey, shall not be registered if its dimensions are greater than 8½ inches by 14 inches. Maximum size of instrument

10. Subsections 1, 2, 3, 4, 5 and 6 of section 33 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 33, subss. 1, 2, re-enacted; subss. 3-6, repealed

(1) Except as provided by subsections 5*a* and 8 of section 20, an instrument that does not contain a local description of the land affected thereby other than a plan or a certificate in the prescribed form completely discharging a mortgage shall not be registered unless the instrument is otherwise capable of registration and has securely attached to it a declaration in the prescribed form by a party to the instrument, or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division and containing a local description. Local description required

(2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in subsection 1. Registration of declaration as to lands affected

11. Subsection 1 of section 34 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 34, subs. 1, re-enacted

(1) An instrument shall not be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party, including a guarantor or surety, who appears to to have executed it. Affidavit of witness

(1*a*) Subsection 1 does not apply to, Where not required

(*a*) a will;

(*b*) a grant or lease from the Crown;

(*c*) an order in council;

(*d*) an instrument that purports to be executed by an officer of the Government of Ontario;

(*e*) the execution of an instrument by a corporation under its seal;

(*f*) a by-law of a municipality;

(*g*) a certificate of judicial proceedings;

(*h*) a plan or a plan and description in respect of expropriated land;

R.S.O. 1960, c. 171

(*i*) an instrument under section 3, 6 or 13 of *The Highway Improvement Act*;

R.S.O. 1960, c. 296

(*j*) a consent under section 26 of *The Planning Act*;

(*k*) a copy of an instrument certified under section 43;

(*l*) a sworn or notarial copy of an instrument where such copy may be registered;

(*m*) a statutory declaration;

R.S.O. 1960, c. 98

(*n*) a tax arrears certificate, redemption certificate or vacating certificate under *The Department of Municipal Affairs Act*;

R.S.O. 1960, c. 23

(*o*) a tax sale notice or redemption receipt under *The Assessment Act*.

R.S.O. 1960, c. 348, s. 36, re-enacted

12. Section 36 of *The Registry Act* is repealed and the following substituted therefor:

Registrar and deputy registrar may administer oath

36.—(1) Every registrar and deputy registrar of deeds is *ex officio* a commissioner for taking affidavits for use under this Act and relating to land in his registry division.

Affidavits, etc., made outside Ontario R.S.O. 1960, c. 125

(2) Notwithstanding sections 44 and 45 of *The Evidence Act*, an affidavit, affirmation or declaration sworn, affirmed or made under section 44 or 45 of *The Evidence Act* is not sufficient for the purposes of this Act unless it is admissible in evidence without proof of signature under subsection 2 of section 44 or subsection 3 of section 45 of *The Evidence Act*.

R.S.O. 1960, c. 348, s. 41, amended

13. Section 41 of *The Registry Act* is amended by adding thereto the following subsection:

SECTION 12. The provision giving registrars and their deputies the powers of commissioners for taking affidavits for registry office purposes is clarified. An affidavit sworn in a foreign jurisdiction is not sufficient for registration unless *The Evidence Act* authorizes its use in court without proof of the commissioner's signature.

SECTION 13. The signature of an individual who executes an instrument for a corporation under a power of attorney is required to be verified by an affidavit of a subscribing witness.

SECTION 14. The amendment permits an original order of a judge to be registered where it is endorsed on an instrument.

SECTION 15. An instrument that is deposited may also be registered.

SECTION 16. The section is re-enacted to recognize the more prevalent use of microfilm for recording mortgages in full. Subsection 3 of section 48 is a re-enactment of subsection 7 of section 61 of the Act.

(2) Where an attorney empowered under section 294 of *The Corporations Act* or section 19 of the *Companies Act* (Canada) executes an instrument under his seal on behalf of a corporation, subsection 1 of section 34 applies.

Proof of execution by attorney for corporation
R.S.O. 1960, c. 71
R.S.C. 1952, c. 53

14. Subsection 1 of section 42 of *The Registry Act*, as re-enacted by section 17 of *The Registry Amendment Act, 1962-63*, is amended by inserting after "land" in the second line "other than an order or certificate endorsed on an instrument", so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 42 (1962-63, c. 124, s. 17), subs. 1, amended

(1) A judgment or order of a court or judge affecting land, other than an order or certificate endorsed on an instrument, may be registered in the registry office of the registry division in which the land is situate by registering therein,

Judgments and orders affecting land

(*a*) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order; or

(*b*) a copy of the judgment or order certified as such by the proper officer of the court.

15. *The Registry Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 348, amended

43*a*. A copy of an instrument deposited under Part II of this Act or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, certified by the registrar in whose office the instrument is deposited, may be registered subject to the proof for registration required by this Act.

Registration of deposits

16. Section 48 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 348, s. 48, re-enacted

48.—(1) Notwithstanding section 47, where a mortgage is registered in a registry office in which a system of recording instruments on photographic film has not been established, the registrar shall cause to be entered in the registry book in its proper order the registration number and time of receipt that have been endorsed on the mortgage under section 54 and the words "Mortgage not recorded in full", the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption,

Entry of mortgages in copy books

the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the mortgaged land, and the registrar shall also cause the mortgage to be recorded in the abstract index where the entry shall include the words "Not recorded in full".

Subsequent recording in full

(2) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction.

When mortgage to be recorded in full

(3) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has not been recorded in full shall be registered until the mortgage and any assignment thereof have been duly registered and recorded in full under subsection 2.

R.S.O. 1960, c. 348, s. 52, subss. 1-3, re-enacted

17.—(1) Subsections 1, 2 and 3 of section 52 of *The Registry Act* are repealed and the following substituted therefor:

Affidavit as to age

(1) A deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, plan of subdivision, release or quit claim that is executed by one or more men or women shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such person or any one of such persons, as the case may be, or, if the document is executed by an attorney, by that attorney, deposing or declaring that each such person was of the full age of twenty-one years at the time of the execution.

Powers of attorney

(1*a*) A power of attorney executed by one or more men or women after the 1st day of July, 1964, shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration made by one of the persons by whom it was executed or by the attorney deposing or declaring that each person by whom the power of attorney was executed was of the full age of twenty-one years at the time of the execution.

SECTION 17—Subsections 1, 2, 3, 4. Affidavits as to age and marital status are required on leases, assignments of leases and plans of subdivision where appropriate, and affidavits are required as to the age of a trustee under a will and by a principal executing by power of attorney.

(2) A deed, conveyance, mortgage, lease, release or quit claim that is executed by a man and in which a woman joins as his wife to bar her dower shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing or declaring that they were legally married at the time of the execution. Affidavit as to marriage

(3) A deed, conveyance, mortgage, lease, release or quit claim that is executed by a man and in which no one joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by the man, or, if the document is executed by an attorney, by that attorney, deposing or declaring that the man was married, unmarried, divorced or a widower, as the case may be, at the time of the execution. Affidavit as to marital status

(2) Subsection 6 of the said section 52 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 52, subs. 6, re-enacted

(6) Subsection 1 does not apply, Where subs. 1 does not apply

(*a*) to a wife who joins in a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, release or quit claim solely for the purpose of barring her dower; or

(*b*) to a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, plan of subdivision, release or quit claim made by an executor or administrator or by the Public Trustee or any other person dealing with lands in an official capacity.

(3) Clause *b* of subsection 7 of the said section 52 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 52, subs. 7, cl. *b*, re-enacted

(*b*) to a deed, conveyance, mortgage, lease, release or quit claim made by men or women as joint tenants, trustees or under power of appointment or who hold the lands as partnership property if they are so described in a registered conveyance of the lands to them.

(4) Clause *d* of subsection 7 of the said section 52 is amended by striking out "assignment of mortgage" in the first and R.S.O. 1960, c. 348, s. 52, subs. 7, cl. *d*, amended

second lines and inserting in lieu thereof "lease", so that the clause shall read as follows:

(*d*) to a deed, conveyance, mortgage, lease, release or quit claim made by an executor or administrator or trustee under a will or by the Public Trustee or any other person dealing with lands in an official capacity.

R.S.O. 1960, c. 348, s. 52, amended

(5) The said section 52 is amended by adding thereto the following subsection:

Affidavit by corporate attorney

(8) Where any affidavit or declaration required by this section is made by an attorney that is a corporation, the affidavit or declaration shall be made by an officer of the corporation.

R.S.O. 1960, c. 348, amended

18. *The Registry Act* is amended by adding thereto the following section:

Interpretation

53*a*.—(1) In this section, "grantee" includes a grantee under a deed or other conveyance, a mortgagee or a person claiming an interest in land.

Description of grantee

(2) An instrument executed on or after the 1st day of July, 1964, shall not be registered unless every grantee thereunder, other than a corporation, is described by his surname and by at least one given name in full.

R.S.O. 1960, c. 348, s. 61, repealed

19. Section 61 of *The Registry Act*, as amended by section 24 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 348, s. 66, re-enacted

20. Section 66 of *The Registry Act* is repealed and the following substituted therefor:

Discharge of mortgages held by amalgamated loan or trust corporations

66. Where a loan or trust corporation that has acquired the assets of another loan or trust corporation by amalgamation of such corporations desires to discharge any of the mortgages of such corporation and the certificate of amalgamation or a sworn copy thereof has been registered, it is sufficient to set forth in the instrument to be registered the fact of the assent of the Lieutenant Governor in Council or the Governor in Council, as the case may be, to the amalgamation with the date of the certificate of amalgamation and its registered number, or a reference to the Act by which the loan or trust corporations were amalgamated or by which the agreement

Subsection 5. Provision is made for the making of affidavits by officers of corporate attorneys.

SECTION 18. Self-explanatory. The new section complements similar requirements for the description of debtors in writs of execution.

SECTION 19. The repealed section provides a method for registering proof of service in respect of a sale on default under a mortgage. Subsection 1 of the repealed section is included in clause *d* of section 1 of the Act, as re-enacted by subsection 1 of section 1 of this Bill and section 127 of the Act, as enacted by section 33 of this Bill. Subsections 2 to 6 of the repealed section are obsolete. Subsection 7 of the repealed section is re-enacted as subsection 3 of section 48 of the Act by section 16 of this Bill.

SECTION 20. The section is extended to include Ontario trust corporations and federal loan or trust corporations.

SECTION 21. The municipalities required to register orders or instruments establishing or altering their boundaries are enlarged to include incorporated townships and improvement districts, and the section is rephrased to complement proposed amendments to sections 12 and 14 of *The Municipal Act*.

SECTION 22. Section 86 is re-enacted for the purpose of transferring certain procedures and formal requirements to the regulations. Subsection 3 is new.

was ratified, and upon registration of the discharge the registrar shall enter in the abstract index the particulars of amalgamation mentioned in the discharge.

21. Subsection 3 of section 75 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960 c. 348, s. 75, subs. 3, re-enacted

(3) Every order of the Ontario Municipal Board or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office. Orders, etc., re changes in municipal boundaries

22. Section 86 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 86, re-enacted

86.—(1) A plan of subdivision shall not be registered unless it has been prepared by a surveyor and unless it complies with the regulations. Registered plan of subdivision

(2) An instrument that refers to a plan of subdivision shall not be registered unless the plan of subdivision is registered. Idem

(3) Subject to section 90, an instrument affecting the land on a plan or any part thereof executed after the plan is registered, except a certificate in the prescribed form completely discharging a mortgage, shall not be registered unless it conforms to the plan. Instruments to conform to plan

(4) Where land is mortgaged and subsequently subdivided by a registered plan, any complete or partial discharge of the mortgage registered after the plan is registered shall be entered in the abstract index for the affected lots according to the plan and in the abstract index for the lot or lots in which the mortgage was entered or for such of them as are affected by the discharge. Discharge of prior mortgage

(5) Any public or private street, way, lane or alley, or block, tract or lot, being the only access to a lot or lots laid down on a plan of subdivision, shall be deemed to be a street or highway. What to be deemed street or highway

Plans of unpatented lands

(6) The registrar shall not register a plan of a subdivision of land for which a Crown patent has not issued unless the assent of the Minister of Lands and Forests to the registration is endorsed on the plan.

Registrar not to file plans for anyone but owner or without consent of mortgagees

(7) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, or unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person and, except in the case of a corporation, every such signature is verified by affidavit, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Approvals under R.S.O. 1960, c. 296

(8) No plan to which *The Planning Act* applies, except a plan registered under section 26, 88, 94 or 94*a* of this Act, shall be registered unless approved under *The Planning Act*.

Illustration of vague or complex description

86*a*. Where an instrument submitted for registration contains a description that in the opinion of the registrar is difficult to apply because of its complexity or vagueness, the registrar may require that the description be illustrated, and the illustration shall be attached to the instrument and shall be by,

(*a*) a plan or a print of a plan of the land made by a surveyor; or

(*b*) a sketch of the land drawn to scale, and including,

(i) the distance from the land so described to one or more lot angles; or

(ii) a tie to a point of reference contained in a registered instrument.

R.S.O. 1960, c. 348, s. 88, subs. 1, re-enacted

23.—(1) Subsection 1 of section 88 of *The Registry Act* is repealed and the following substituted therefor:

Abstract index for subdivision of lots

(1) The Inspector may direct the registrar to subdivide any lot or designated area into such lots, blocks or parts for abstract purposes as, having regard to conveyances registered upon such lots and otherwise,

The new section 86*a* is self-explanatory.

SECTION 23—Subsection 1. The amendment provides for the preparation and registration of a registrar's compiled plans.

Subsection 2. The repealed provisions authorize the Inspector to direct the payment of and fix fees for the preparation of abstracts upon the registration of plans. All fees under the Act are now fixed by regulation.

SECTION 24. The purpose of the amendments is for clarity and for uniformity with corresponding provisions in *The Land Titles Act*.

he directs, and in such case an abstract index shall be prepared by the registrar for each of such lots, blocks or parts as if it had been originally a separate lot, and shall extend from any past or future date directed by the Inspector, and shall contain only those registrations that affect the subdivision to which the index relates.

Registrar's compiled plan may be registered

(1*a*) Where an abstract index is prepared under subsection 1, the Inspector may direct the registrar to cause a plan to be compiled showing the lots, blocks and parts into which the designated area has been subdivided, and the compiled plan, bearing the title "Registrar's Compiled Plan", may be registered.

Idem

(1*b*) Where the registrar is unable to prepare an abstract or a compiled plan under subsection 1 without the assistance of a surveyor, he may, with the approval of the Inspector, engage a surveyor to assist in such preparation.

Idem

(1*c*) Where a compiled plan is registered under subsection 1*a*, subsections 2 and 3 of section 86 and subsection 16 of section 94 apply.

R.S.O. 1960, c. 348, s. 88, subss. 5, 6, repealed

(2) Subsections 5 and 6 of the said section 88 are repealed.

R.S.O. 1960, c. 348, s. 91, subss. 1, 2, re-enacted

24.—(1) Subsections 1 and 2 of section 91 of *The Registry Act* are repealed and the following substituted therefor:

When registered plan not binding

(1) A registered plan is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered.

Amendment of plan

(2) Upon the application of the person by whom a plan was registered or of his assigns, or of the owner for the time being of land within the plan, a judge of the Supreme Court or a judge of the county or district court of the county or district in which the land lies may authorize or order amendments or alterations to be made to the registered plan.

R.S.O. 1960, c. 348, s. 91, amended

(2) The said section 91 is amended by adding thereto the following subsection:

Plan of re-subdivision may be registered

(5) Nothing in this section prevents the registration of a plan of re-subdivision if, where a public highway is affected by the re-subdivision, the proper officers of the authority having jurisdiction and control over the highway consent to the plan.

R.S.O. 1960, c. 348, amended

25. *The Registry Act* is amended by adding thereto the following section:

Registration of amended plan

92*a*. Where an amendment to a plan under section 91 or 92 alters the size or boundaries of any lot or block, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of subdivision and the provisions of *The Planning Act* respecting the approval of plans of subdivision apply to the amended plan.

R.S.O. 1960, c. 296

R.S.O. 1960, c. 348, s. 94, subss. 13-15, 17, repealed

26.—(1) Subject to subsection 2, subsections 13, 14, 15 and 17 of section 94 of *The Registry Act* are repealed.

Saving

(2) Subsections 13, 14, 15 and 17 of the said section 94, as repealed by subsection 1, continue to apply to the preparation and registration of any plan ordered to be made under the said subsection 13 before subsection 1 of this section comes into force.

R.S.O. 1960, c. 348, amended

27. *The Registry Act* is amended by adding thereto the following section:

Order for draft plan

94*a*.—(1) Where parts of lots, blocks or other designated areas shown by a registered plan have been conveyed or where any other land has been conveyed by metes and bounds or in any other manner without a plan having been registered showing such subdivisions, a judge of the county or district court of the county or district in which the land is situate may, upon the application of the Inspector and upon notice in the prescribed manner to all persons affected, make an order directing the land or any part thereof to be laid out into lots or in such other manner and numbered as the judge thinks fit, and a draft plan thereof to be made from actual survey by a surveyor and in accordance with the records of the registry office.

Restraining order

(2) After an order has been made under subsection 1 and after a draft plan has been prepared by the surveyor, the Inspector may issue a restraining order in respect of the land to be included in the plan and any land adjacent thereto that may be affected by the plan, and, subject to subsection 3, after registration of the restraining order no instrument conveying the land or any part thereof, other than a mortgage, shall be registered until after registration of the plan.

SECTION 25. The purpose of the new section is to ensure compliance with *The Planning Act*.

SECTION 26. The repealed provisions relate to judges' plans, and the subject is now dealt with in section 27 of this Bill.

SECTION 27. The effect of judges' plans is strengthened, and the procedures for their preparation and registration are improved.

(3) The Inspector may amend, suspend or withdraw a restraining order issued under subsection 2. Amendment, etc., of restraining order

(4) Where a draft plan of subdivision has been prepared pursuant to an order made under subsection 1, the Inspector may, upon notice in the prescribed manner to all persons interested, apply to a judge of the county or district court of the county or district in which the land is situate for an order that a plan bearing the title "Judge's Plan" be prepared in accordance with the regulations and incorporating such amendments to the draft plan as the judge thinks proper and registered, and the judge may make such order. Order for registration of judge's plan

(5) An order made under this section may determine the limits of any parcel of land, and, upon registration of the plan, the limits shall be deemed to be those shown on the plan. Effect of registration of judge's plan

(6) The costs and expenses of and incidental to the application and the plan and the registration thereof shall be borne by the person or municipality to be named by the judge in his order, and, where the costs and expenses are directed to be borne by the municipality, the judge may by his order direct repayment of them to the municipality by the levy of a special rate by assessment on all the lots included in the plan. Costs

(7) An order made under this section, on being filed with the clerk of the court, may be enforced as if it were a judgment of the court. Effect of filing order

(8) Where an application is made for an order under this section, the Inspector may cause the Attorney General to be notified of the application, and the Attorney General, on behalf of the Crown, may submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 6 as the judge determines to be reasonable, or the Attorney General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 6. Contribution by Crown to cost of plan

Appeal

(9) An order made under this section may be appealed to the Court of Appeal.

Payments out of Consolidated Revenue Fund

(10) Any amount payable by the Crown under subsection 8 shall be paid out of the Consolidated Revenue Fund.

R.S.O. 1960, c. 348, s. 95, repealed

28. Section 95 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 104, amended

29. Section 104 of *The Registry Act* is amended by adding thereto the following subsection:

Reduction of fees

(1*a*) Where, in the opinion of the Inspector, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Inspector may reduce the fee to such amount as he deems appropriate.

R.S.O. 1960, c. 348, s. 113, amended

30. Section 113 of *The Registry Act*, as amended by section 44 of *The Registry Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Division of surplus fees under subs. 2

(5) Notwithstanding subsection 2, the Inspector may, in respect of any registry division, direct that the fees payable to the county and to a city or town shall be computed,

(*a*) in the proportion that the number of instruments affecting land in the county bears to those affecting land in the city or town; or

(*b*) upon the joint application of the county and the city or town, in the proportions requested in the application.

R.S.O. 1960, c. 348, amended

31. *The Registry Act* is amended by adding thereto the following section:

Deputy registrar at large

124*b*. The Inspector may appoint a person to act as a deputy registrar in any registry office as directed by the Inspector, who shall be deemed to be the deputy registrar therein during such period as the Inspector designates.

R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, cl. *f*, re-enacted

32.—(1) Clause *f* of subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(*f*) governing standards for surveys and plans of land to which this Act applies, and procedures for their registration.

SECTION 28. The repealed section provides for procedures upon registration of plans of subdivision. These procedures will be dealt with by regulation.

SECTION 29. Self-explanatory.

SECTION 30. The new subsection provides a simplified method of computing the division of surplus revenue between a county and a city or separated town.

SECTION 31. The new subsection provides a method of supplying a deputy registrar during temporary need.

SECTION 32. The regulating powers are amended to complement the other provisions of this Bill.

SECTION 33. The provisions of *The Custody of Documents Act* are transferred to *The Registry Act*. Provisions concerning references in deposits to land outside the registry division and to the withdrawal of deposits are omitted as obsolete.

(2) Subsection 1 of the said section 126 is amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, amended

(*ga*) governing the procedures to be followed in connection with judges' plans.

(3) Clause *k* of subsection 1 of the said section 126 is amended by inserting after "alphabetical" in the first line "or deposit", so that the clause shall read as follows: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, cl. *k*, amended

(*k*) governing the content of alphabetical or deposit indexes and dispensing therewith in any registry division.

33. *The Registry Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 348, amended

PART II

DEPOSITS

127. In this Part, "document" includes an instrument and any certificate, affidavit, statutory declaration or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend, a notice of sale, or other notice necessary to the exercise of any power of sale or appointment or other power relating to land, and a receipt for payment of money under a registered instrument. Interpretation

128.—(1) A document may be deposited in the office of the registrar of any registry division in which any land to which it relates is situate. Deposit of document

(2) The deposit of a document under this Part shall not be deemed a registration thereof and the admissibility or value of any document as evidence shall not be affected by the deposit. Effect of deposit

129. Upon every such deposit, the person making the deposit shall deliver to the registrar in duplicate a requisition in the prescribed form which shall be firmly attached to any number of documents not exceeding ten, and the registrar shall sign a receipt upon the duplicate for the documents therein mentioned, and shall deliver the receipt to the person making the deposit. Requisition to be filed and receipt given

Each document to be numbered and entered in deposit index

130.—(1) Subject to the regulations, upon receiving the requisition and the documents therein mentioned, the registrar shall enter every document in consecutive order in a book in the prescribed form, to be called the "Deposit Index", and shall endorse on each document the word "deposited", with the date and deposit number, and shall also endorse on the requisition the number so placed on the documents therein mentioned.

Names to be entered in alphabetical index

(2) Subject to the regulations, the registrar shall also enter in an alphabetical index, to be called the "Alphabetical Deposit Index", the number of the deposit and the name of every party to the document, or to the action, suit or proceeding to which the document relates, or, if the document is a certificate or an affidavit or a statutory declaration or other proof as to the birth, baptism, marriage, divorce, death or burial of any person, the name of such person.

Entry in abstract index

(3) Where a deposit refers to a lot or parcel of land, the registrar shall enter in red ink in the abstract index against each such lot or parcel the words "See Deposit No....".

Copying of deposit

(4) The registrar shall copy in full in a proper registry book every document deposited under this Part or shall record the same at full length by means of photographic film reproduction.

Custody of deposits

(5) The provisions of Part I applying to property in or custody of instruments apply to documents deposited under this Part or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof.

Sections 17*a* and 19 apply to deposits

131. Sections 17*a* and 19 apply to a document deposited under this Part.

Deposit relieves from liability

132.—(1) The deposit of a document under this Part shall be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement entered into by any person to produce or allow the inspection of, or the making of, any copy of or extract from the document, and absolves any person liable for the production or custody thereof from any further liability in respect of such custody or production.

SECTION 34. The provisions of *The Investigation of Titles Act* are transferred to *The Registry Act* and revised. The present provisions have not been revised since 1929.

(2) An executor, administrator or trustee may reimburse himself out of the estate for any expense that he incurs in or about depositing any document that came into his possession or control as such executor, administrator or trustee. Expenses of executors, etc.

34. *The Registry Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 348, amended

PART III

INVESTIGATION OF TITLES

133. In this Part, Interpretation

(*a*) "claim" means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights whether inchoate or otherwise, and restrictions as to the use of land or other encumbrance affecting land;

(*b*) "owner" means a person entitled to a freehold, leasehold or other estate or interest in land at law or in equity, possession, in futurity or in expectancy.

134.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or referred to in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, registered against the land within the forty-year period. Claims unregistered for 40 years expire

(2) Subsection 1 does not apply to, Exceptions

(*a*) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;

(*b*) a claim of the Crown or of a municipality in respect of any public highway or lane;

(*c*) a wife's claim to inchoate right to dower in land while her husband is wholly or in part the owner thereof;

(*d*) a claim to an unregistered right-of-way or other easement or right that a person is openly enjoying and using; or

(*e*) any claim imposed by a statutory enactment.

Idem

(3) For the purposes of subsection 1,

(*a*) a wife's claim to inchoate right to dower shall be deemed to be acknowledged or referred to in an instrument by which her husband alienates the land;

(*b*) an instrument, the entry of which has been ruled off the abstract index under section 73, shall be deemed not to have been registered.

Title shown for 40 years

(4) A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 2.

Registration of notice of claim

135.—(1) A person having a claim against land that is not barred under section 134 or a person on his behalf may register in the proper registry office a notice which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

Idem

(2) Notwithstanding subsection 1 of section 134 and subsection 1 of this section, a notice of a claim that has expired by virtue of the operation of subsection 1 of section 134 may be registered under subsection 1 if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 1 of section 134.

Registration not to validate expired claim

(3) The registration of a notice under subsection 1 does not validate a claim that has otherwise expired.

SECTIONS 35 and 36. Unproclaimed provisions, superseded by this Act, are removed.

SECTION 37. Self-explanatory.

136. Where there is any conflict between the provisions of this Part and those of any Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail. This Part to prevail over other provisions

35. Sections 13, 14, 19 and 35 of *The Registry Amendment Act, 1962-63* are repealed. 1962-63, c. 124, ss. 13, 14, 19, 35, repealed

36. Subsection 3 of section 54 of *The Registry Amendment Act, 1962-63* is amended by striking out "13, 14" in the first line, by striking out "19" in the first line and by striking out "35" in the second line. 1962-63, c. 124, s. 54, subs. 3, amended

37. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force. Validity of prior registrations not affected

38.—(1) This Act, except sections 33 and 34, comes into force on the 1st day of July, 1964. Commencement

(2) Sections 33 and 34 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

39. This Act may be cited as *The Registry Amendment Act, 1964.* Short title

BILL 44

An Act to amend The Registry Act

1st Reading

February 20th, 1964

2nd Reading

March 4th, 1964

3rd Reading

MR. CASS

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

1964

BILL 44

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Registry Act

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

TORONTO
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Explanatory Notes

Section 1. Notices of sale by mortgagees are included in the definition of instrument, and plan of subdivision is defined.

Section 2. The present Act is designated as Part I for the purpose of adding two new Parts.

Section 3. The amendment provides for altering the boundaries of registry divisions.

BILL 44 **1964**

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Registry Act* is amended by inserting after "mortgage" in the third line "notice of sale by a mortgagee". R.S.O. 1960, c. 348, s. 1, cl. *d*, amended

(2) The said section 1, as amended by section 1 of *The Registry Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 1, amended

(*fa*) "plan of subdivision" means a plan by which the owner of land divides the land into designated lots or blocks, but does not include a plan to which *The Cemeteries Act* or *The Expropriation Procedures Act, 1962-63* applies. R.S.O. 1960 c. 47 1962-63, c. 43

2. *The Registry Act* is amended by inserting the heading "PART I" immediately preceding section 2. R.S.O. 1960, c. 348, amended

3. Subsection 2 of section 4 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 4, subs. 2, re-enacted

(2) The Lieutenant Governor in Council may, by regulation, Changes in registry divisions

(*a*) combine two registry divisions into one registry division;

(*b*) divide a registry division in a provisional judicial district into two registry divisions; or

(*c*) annex a part of a registry division to an adjoining registry division,

but there shall be at least one registry office for each county or district described in section 1 of *The Territorial Division Act*. R.S.O. 1960 c. 395

R.S.O. 1960, c. 348, s. 6, subs. 2, amended

4.—(1) Subsection 2 of section 6 of *The Registry Act* is amended by inserting after "subsection 1" in the fourth line "or 5", so that the subsection shall read as follows:

Expense

(2) A town separated from a county for municipal purposes, and a city for which there is no separate registry office, shall bear such equitable proportion of the expense incurred under subsection 1 or 5 as the Inspector directs.

R.S.O. 1960, c. 348, s. 6, subs. 4, re-enacted

(2) Subsection 4 of the said section 6 is repealed and the following substituted therefor:

Municipality to provide equipment

(4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall, when so required by the Inspector, provide typewriters, telephones, directories and such other equipment and supplies as the Inspector deems necessary for the purpose of the office, and the Inspector may direct that equipment other than filing equipment or furniture may be leased rather than purchased.

Where registry office facilities inadequate

(5) Where it appears that the building or the part of a building that is provided by a county or city for a registry office is inadequate, having regard to the volume of business, storage requirements, staff facilities or otherwise, the Lieutenant Governor in Council may direct the county or city to erect a new building or an addition to the existing building upon a plan and on a site to be approved by him.

R.S.O. 1960, c. 348, s. 19, subs. 2, re-enacted

5. Subsection 2 of section 19 of *The Registry Act* is repealed and the following substituted therefor:

Production of originals upon order of judge or magistrate

(2) A judge of a court or a magistrate in Ontario may, for the purposes of a hearing, order a registrar to produce any instrument or document in his custody where, in the opinion of the judge or magistrate, a certified copy thereof is not sufficient.

Delivery

(3) Upon receipt of an order under subsection 2 and the fee prescribed for a certified copy of the instrument or document required by the order to be produced, the registrar shall prepare a certified copy of the instrument or document and deliver the original instrument or document to the person named in the order.

SECTION 4. Municipalities are authorized to obtain registry office equipment by lease, and the Lieutenant Governor in Council is authorized to require a municipality to increase registry office accommodation.

SECTION 5. The amendment provides more specific procedure for the release and return of registry office documents for court purposes.

SECTION 6. The caution referred to is added to the list of instruments that may be recorded in the general register.

SECTION 7. Powers of attorney are not required to be entered in the abstract index but will be recorded in the general register.

SECTION 8. The law governing the exercise of powers of appointment to uses is codified and made uniform with corresponding provisions in *The Land Titles Act.*

(4) The registrar shall attach the order to the certified copy and shall file the copy in his office in place of the original instrument or document until the original has been returned. Substituting a copy

(5) Notwithstanding subsection 2 of section 52 of *The Evidence Act*, an instrument or document produced by a registrar under this section shall be returned to the custody of the registrar after the final disposition of the cause or action to which it pertains. Return of documents to registrar R.S.O. 1960, c. 125

6. Subsection 8 of section 20 of *The Registry Act*, as re-enacted by subsection 3 of section 7 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following item: R.S.O. 1960, c. 348, s. 20, subs. 8 (1962-63, c. 124, s. 7, subs. 3), amended

15. A caution under section 13 of *The Devolution of Estates Act*, not containing a local description, or a certificate withdrawing such a caution. R.S.O. 1960, c. 106

7. Subsection 2 of section 29 of *The Registry Act* is amended by inserting after "instrument" in the first line "other than a will or power of attorney", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 2, amended

(2) Every instrument, other than a will or power of attorney, that mentions such parcel or lot of land or other subdivision, the names of every party to the instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries required by law, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land. Entries

8. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

31*a*.—(1) In this section, Interpretation

(*a*) "deed" means an instrument purporting to grant or convey land, other than a mortgage;

(*b*) "deed to uses" means a deed expressed to be given to such uses as the grantee may appoint by deed, mortgage or will;

(*c*) "owner to uses" means a grantee under a registered deed to uses;

(*d*) "unencumbered interest" means the interest that an owner to uses is capable of appointing.

Exercise of power of appointment in deed to uses

(2) An owner to uses may exercise his power of appointment by a deed or mortgage or by his will.

Mortgage does not exhaust power

(3) An appointment by way of mortgage by an owner to uses does not exhaust his power of appointment.

Effect of discharge of mortgage

(4) Notwithstanding the registration of a discharge of a mortgage,

(*a*) that was made by way of appointment by the owner to uses; or

(*b*) to which the land was subject when he became the owner to uses,

the owner to uses may exercise his power of appointment as though the mortgage had not been made.

Effect of default of appointment

(5) An owner to uses who dies without having exercised his power of appointment by deed, mortgage or will shall be deemed to have appointed the land by way of deed to himself immediately before his death.

Idem

(6) An owner to uses who has appointed the land or a part thereof in respect of which he has a power of appointment by way of mortgage and who dies without having appointed by way of deed or will shall be deemed to have appointed the unencumbered interest in the land by way of deed to himself immediately before his death.

No inchoate dower right

(7) Until the death of an owner to uses who is a married man, his wife has no right to dower in the land of which he is the owner to uses.

Where widow entitled to dower

(8) The widow of an owner to uses, unless otherwise disentitled, has a right to dower only in the unencumbered interest her husband had in the land of which he was the owner to uses at the date of his death.

R.S.O. 1960, c. 348, s. 32, re-enacted

9. Section 32 of *The Registry Act* is repealed and the following substituted therefor:

SECTION 9. The present provision enables the designation of registry divisions in which the maximum size of instruments applies. The amendment makes the maximum size of universal application.

SECTION 10. Local descriptions of land are not required on plans or full discharges of mortgages.

SECTION 11. The exceptions to the requirement for affidavits of execution are re-enacted for clarity, and the list is expanded to include the documents mentioned in clauses *m*, *n* and *o* of the new subsection 1*a*.

32. An instrument executed on or after the 1st day of July, 1964, other than a plan of survey, shall not be registered if its dimensions are greater than 8½ inches by 14 inches. Maximum size of instrument

10. Subsections 1, 2, 3, 4, 5 and 6 of section 33 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 33, subss. 1, 2, re-enacted; subss. 3-6, repealed

(1) Except as provided by subsections 5*a* and 8 of section 20, an instrument that does not contain a local description of the land affected thereby other than a plan or a certificate in the prescribed form completely discharging a mortgage shall not be registered unless the instrument is otherwise capable of registration and has securely attached to it a declaration in the prescribed form by a party to the instrument, or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division and containing a local description. Local description required

(2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in subsection 1. Registration of declaration as to lands affected

11. Subsection 1 of section 34 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 34, subs. 1, re-enacted

(1) An instrument shall not be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party, including a guarantor or surety, who appears to to have executed it. Affidavit of witness

(1*a*) Subsection 1 does not apply to, Where not required

(*a*) a will;

(*b*) a grant or lease from the Crown;

(*c*) an order in council;

(*d*) an instrument that purports to be executed by an officer of the Government of Ontario;

(*e*) the execution of an instrument by a corporation under its seal;

(*f*) a by-law of a municipality;

(*g*) a certificate of judicial proceedings;

(*h*) a plan or a plan and description in respect of expropriated land;

R.S.O. 1960, c. 171

(*i*) an instrument under section 3, 6 or 13 of *The Highway Improvement Act*;

R.S.O. 1960, c. 296

(*j*) a consent under section 26 of *The Planning Act*;

(*k*) a copy of an instrument certified under section 43;

(*l*) a sworn or notarial copy of an instrument where such copy may be registered;

(*m*) a statutory declaration;

R.S.O. 1960, c. 98

(*n*) a tax arrears certificate, redemption certificate or vacating certificate under *The Department of Municipal Affairs Act*;

R.S.O. 1960, c. 23

(*o*) a tax sale notice or redemption receipt under *The Assessment Act*.

R.S.O. 1960, c. 348, s. 36, re-enacted

12. Section 36 of *The Registry Act* is repealed and the following substituted therefor:

Registrar and deputy registrar may administer oath

36.—(1) Every registrar and deputy registrar of deeds is *ex officio* a commissioner for taking affidavits for use under this Act and relating to land in his registry division.

Affidavits, etc., made outside Ontario

R.S.O. 1960, c. 125

(2) Notwithstanding sections 44 and 45 of *The Evidence Act*, an affidavit, affirmation or declaration sworn, affirmed or made under section 44 or 45 of *The Evidence Act* is not sufficient for the purposes of this Act unless it is admissible in evidence without proof of signature under subsection 2 of section 44 or subsection 3 of section 45 of *The Evidence Act*.

R.S.O. 1960, c. 348, s. 41, amended

13. Section 41 of *The Registry Act* is amended by adding thereto the following subsection:

SECTION 12. The provision giving registrars and their deputies the powers of commissioners for taking affidavits for registry office purposes is clarified. An affidavit sworn in a foreign jurisdiction is not sufficient for registration unless *The Evidence Act* authorizes its use in court without proof of the commissioner's signature.

SECTION 13. The signature of an individual who executes an instrument for a corporation under a power of attorney is required to be verified by an affidavit of a subscribing witness.

SECTION 14. The amendment permits an original order of a judge to be registered where it is endorsed on an instrument.

SECTION 15. An instrument that is deposited may also be registered.

SECTION 16. The section is re-enacted to recognize the more prevalent use of microfilm for recording mortgages in full. Subsection 3 of section 48 is a re-enactment of subsection 7 of section 61 of the Act.

(2) Where an attorney empowered under section 294 of *The Corporations Act* or section 19 of the *Companies Act* (Canada) executes an instrument under his seal on behalf of a corporation, subsection 1 of section 34 applies.

Proof of execution by attorney for corporation
R.S.O. 1960, c. 71
R.S.C. 1952, c. 53

14. Subsection 1 of section 42 of *The Registry Act*, as re-enacted by section 17 of *The Registry Amendment Act, 1962-63*, is amended by inserting after "land" in the second line "other than an order or certificate endorsed on an instrument", so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 42 (1962-63, c. 124, s. 17), subs. 1, amended

(1) A judgment or order of a court or judge affecting land, other than an order or certificate endorsed on an instrument, may be registered in the registry office of the registry division in which the land is situate by registering therein,

Judgments and orders affecting land

(*a*) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order; or

(*b*) a copy of the judgment or order certified as such by the proper officer of the court.

15. *The Registry Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 348, amended

43*a*. A copy of an instrument deposited under Part II of this Act or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, certified by the registrar in whose office the instrument is deposited, may be registered subject to the proof for registration required by this Act.

Registration of deposits

16. Section 48 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 348, s. 48, re-enacted

48.—(1) Notwithstanding section 47, where a mortgage is registered in a registry office in which a system of recording instruments on photographic film has not been established, the registrar shall cause to be entered in the registry book in its proper order the registration number and time of receipt that have been endorsed on the mortgage under section 54 and the words "Mortgage not recorded in full", the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption,

Entry of mortgages in copy books

the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the mortgaged land, and the registrar shall also cause the mortgage to be recorded in the abstract index where the entry shall include the words "Not recorded in full".

Subsequent recording in full

(2) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction.

When mortgage to be recorded in full

(3) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has not been recorded in full shall be registered until the mortgage and any assignment thereof have been duly registered and recorded in full under subsection 2.

R.S.O. 1960, c. 348, s. 52, subss. 1-3, re-enacted

17.—(1) Subsections 1, 2 and 3 of section 52 of *The Registry Act* are repealed and the following substituted therefor:

Affidavit as to age

(1) A deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, plan of subdivision, release or quit claim that is executed by one or more men or women shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such person or any one of such persons, as the case may be, or, if the document is executed by an attorney, by that attorney, deposing or declaring that each such person was of the full age of twenty-one years at the time of the execution.

Powers of attorney

(1*a*) A power of attorney executed by one or more men or women after the 1st day of July, 1964, shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration made by one of the persons by whom it was executed or by the attorney deposing or declaring that each person by whom the power of attorney was executed was of the full age of twenty-one years at the time of the execution.

SECTION 17—Subsections 1, 2, 3, 4. Affidavits as to age and marital status are required on leases, assignments of leases and plans of subdivision where appropriate, and affidavits are required as to the age of a trustee under a will and by a principal executing by power of attorney.

(2) A deed, conveyance, mortgage, lease, release or quit claim that is executed by a man and in which a woman joins as his wife to bar her dower shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing or declaring that they were legally married at the time of the execution. Affidavit as to marriage

(3) A deed, conveyance, mortgage, lease, release or quit claim that is executed by a man and in which no one joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by the man, or, if the document is executed by an attorney, by that attorney, deposing or declaring that the man was married, unmarried, divorced or a widower, as the case may be, at the time of the execution. Affidavit as to marital status

(2) Subsection 6 of the said section 52 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 52, subs. 6, re-enacted

(6) Subsection 1 does not apply, Where subs. 1 does not apply

(*a*) to a wife who joins in a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, release or quit claim solely for the purpose of barring her dower; or

(*b*) to an executor or administrator, the Public Trustee or any other person dealing with lands in an official capacity.

(3) Clause *b* of subsection 7 of the said section 52 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 52, subs. 7, cl. *b*, re-enacted

(*b*) to a deed, conveyance, mortgage, lease, release or quit claim made by men or women as joint tenants, trustees or under power of appointment or who hold the lands as partnership property if they are so described in a registered conveyance of the lands to them.

(4) Clause *d* of subsection 7 of the said section 52 is amended by striking out "assignment of mortgage" in the first and R.S.O. 1960, c. 348, s. 52, subs. 7, cl. *d*, amended

second lines and inserting in lieu thereof "lease", so that the clause shall read as follows:

(*d*) to a deed, conveyance, mortgage, lease, release or quit claim made by an executor or administrator or trustee under a will or by the Public Trustee or any other person dealing with lands in an official capacity.

R.S.O. 1960, c. 348, s. 52, amended

(5) The said section 52 is amended by adding thereto the following subsection:

Affidavit by corporate attorney

(8) Where any affidavit or declaration required by this section is made by an attorney that is a corporation, the affidavit or declaration shall be made by an officer of the corporation.

R.S.O. 1960, c. 348, amended

18. *The Registry Act* is amended by adding thereto the following section:

Interpretation

53*a*.—(1) In this section, "grantee" includes a grantee under a deed or other conveyance, a mortgagee or a person claiming an interest in land.

Description of grantee

(2) An instrument executed on or after the 1st day of July, 1964, shall not be registered unless every grantee thereunder, other than a corporation, is described by his surname and by at least one given name in full.

R.S.O. 1960, c. 348, s. 61, repealed

19. Section 61 of *The Registry Act*, as amended by section 24 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 348, s. 66, re-enacted

20. Section 66 of *The Registry Act* is repealed and the following substituted therefor:

Discharge of mortgages held by amalgamated loan or trust corporations

66. Where a loan or trust corporation that has acquired the assets of another loan or trust corporation by amalgamation of such corporations desires to discharge any of the mortgages of such corporation and the certificate of amalgamation or a sworn copy thereof has been registered, it is sufficient to set forth in the instrument to be registered the fact of the assent of the Lieutenant Governor in Council or the Governor in Council, as the case may be, to the amalgamation with the date of the certificate of amalgamation and its registered number, or a reference to the Act by which the loan or trust corporations were amalgamated or by which the agreement

Subsection 5. Provision is made for the making of affidavits by officers of corporate attorneys.

SECTION 18. Self-explanatory. The new section complements similar requirements for the description of debtors in writs of execution.

SECTION 19. The repealed section provides a method for registering proof of service in respect of a sale on default under a mortgage. Subsection 1 of the repealed section is included in clause *d* of section 1 of the Act, as re-enacted by subsection 1 of section 1 of this Bill and section 127 of the Act, as enacted by section 33 of this Bill. Subsections 2 to 6 of the repealed section are obsolete. Subsection 7 of the repealed section is re-enacted as subsection 3 of section 48 of the Act by section 16 of this Bill.

SECTION 20. The section is extended to include Ontario trust corporations and federal loan or trust corporations.

SECTION 21. The municipalities required to register orders or instruments establishing or altering their boundaries are enlarged to include incorporated townships and improvement districts, and the section is rephrased to complement proposed amendments to sections 12 and 14 of *The Municipal Act.*

SECTION 22. Section 86 is re-enacted for the purpose of transferring certain procedures and formal requirements to the regulations. Subsection 3 is new.

was ratified, and upon registration of the discharge the registrar shall enter in the abstract index the particulars of amalgamation mentioned in the discharge.

21. Subsection 3 of section 75 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 75, subs. 3, re-enacted

(3) Every order of the Ontario Municipal Board or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office. Orders, etc., re changes in municipal boundaries

22. Section 86 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 86, re-enacted

86.—(1) A plan of subdivision shall not be registered unless it has been prepared by a surveyor and unless it complies with the regulations. Registered plan of subdivision

(2) An instrument that refers to a plan of subdivision shall not be registered unless the plan of subdivision is registered. Idem

(3) Subject to section 90, an instrument affecting the land on a plan or any part thereof executed after the plan is registered, except a certificate in the prescribed form completely discharging a mortgage, shall not be registered unless it conforms to the plan. Instruments to conform to plan

(4) Where land is mortgaged and subsequently subdivided by a registered plan, any complete or partial discharge of the mortgage registered after the plan is registered shall be entered in the abstract index for the affected lots according to the plan and in the abstract index for the lot or lots in which the mortgage was entered or for such of them as are affected by the discharge. Discharge of prior mortgage

(5) Any public or private street, way, lane or alley, or block, tract or lot, being the only access to a lot or lots laid down on a plan of subdivision, shall be deemed to be a street or highway. What to be deemed street or highway

Plans of unpatented lands

(6) The registrar shall not register a plan of a subdivision of land for which a Crown patent has not issued unless the assent of the Minister of Lands and Forests to the registration is endorsed on the plan.

Registrar not to file plans for anyone but owner or without consent of mortgagees

(7) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, or unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person and, except in the case of a corporation, every such signature is verified by affidavit, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Approvals under R.S.O. 1960, c. 296

(8) No plan to which *The Planning Act* applies, except a plan registered under section 26, 88, 94 or 94*a* of this Act, shall be registered unless approved under *The Planning Act.*

Illustration of vague or complex description

86*a*. Where an instrument submitted for registration contains a description that in the opinion of the registrar is difficult to apply because of its complexity or vagueness, the registrar may require that the description be illustrated, and the illustration shall be attached to the instrument and shall be by,

(*a*) a plan or a print of a plan of the land made by a surveyor; or

(*b*) a sketch of the land drawn to scale, and including,

(i) the distance from the land so described to one or more lot angles; or

(ii) a tie to a point of reference contained in a registered instrument.

R.S.O. 1960, c. 348, s. 88, subs. 1, re-enacted

23.—(1) Subsection 1 of section 88 of *The Registry Act* is repealed and the following substituted therefor:

Abstract index for subdivision of lots

(1) The Inspector may direct the registrar to subdivide any lot or designated area into such lots, blocks or parts for abstract purposes as, having regard to conveyances registered upon such lots and otherwise,

The new section 86*a* is self-explanatory.

SECTION 23—Subsection 1. The amendment provides for the preparation and registration of a registrar's compiled plans.

Subsection 2. The repealed provisions authorize the Inspector to direct the payment of and fix fees for the preparation of abstracts upon the registration of plans. All fees under the Act are now fixed by regulation.

SECTION 24. The purpose of the amendments is for clarity and for uniformity with corresponding provisions in *The Land Titles Act*.

he directs, and in such case an abstract index shall be prepared by the registrar for each of such lots, blocks or parts as if it had been originally a separate lot, and shall extend from any past or future date directed by the Inspector, and shall contain only those registrations that affect the subdivision to which the index relates.

Registrar's compiled plan may be registered

(1*a*) Where an abstract index is prepared under subsection 1, the Inspector may direct the registrar to cause a plan to be compiled showing the lots, blocks and parts into which the designated area has been subdivided, and the compiled plan, bearing the title "Registrar's Compiled Plan", may be registered.

Idem

(1*b*) Where the registrar is unable to prepare an abstract or a compiled plan under subsection 1 without the assistance of a surveyor, he may, with the approval of the Inspector, engage a surveyor to assist in such preparation.

Idem

(1*c*) Where a compiled plan is registered under subsection 1*a*, subsections 2 and 3 of section 86 and subsection 16 of section 94 apply.

R.S.O. 1960, c. 348, s. 88, subss. 5, 6, repealed

(2) Subsections 5 and 6 of the said section 88 are repealed.

R.S.O. 1960, c. 348, s. 91, subss. 1, 2, re-enacted

24.—(1) Subsections 1 and 2 of section 91 of *The Registry Act* are repealed and the following substituted therefor:

When registered plan not binding

(1) A registered plan is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered.

Amendment of plan

(2) Upon the application of the person by whom a plan was registered or of his assigns, or of the owner for the time being of land within the plan, a judge of the Supreme Court or a judge of the county or district court of the county or district in which the land lies may authorize or order amendments or alterations to be made to the registered plan.

R.S.O. 1960, c. 348, s. 91, amended

(2) The said section 91 is amended by adding thereto the following subsection:

Plan of re-subdivision may be registered

(5) Nothing in this section prevents the registration of a plan of re-subdivision if, where a public highway is affected by the re-subdivision, the proper officers of the authority having jurisdiction and control over the highway consent to the plan.

R.S.O. 1960, c. 348, amended

25. *The Registry Act* is amended by adding thereto the following section:

Registration of amended plan

92*a*. Where an amendment to a plan under section 91 or 92 alters the size or boundaries of any lot or block, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of subdivision and the provisions of *The Planning Act* respecting the approval of plans of subdivision apply to the amended plan.

R.S.O. 1960, c. 296

R.S.O. 1960, c. 348, s. 94, subss. 13-15, 17, repealed

26.—(1) Subject to subsection 2, subsections 13, 14, 15 and 17 of section 94 of *The Registry Act* are repealed.

Saving

(2) Subsections 13, 14, 15 and 17 of the said section 94, as repealed by subsection 1, continue to apply to the preparation and registration of any plan ordered to be made under the said subsection 13 before subsection 1 of this section comes into force.

R.S.O. 1960, c. 348, amended

27. *The Registry Act* is amended by adding thereto the following section:

Order for draft plan

94*a*.—(1) Where parts of lots, blocks or other designated areas shown by a registered plan have been conveyed or where any other land has been conveyed by metes and bounds or in any other manner without a plan having been registered showing such subdivisions, a judge of the county or district court of the county or district in which the land is situate may, upon the application of the Inspector and upon notice in the prescribed manner to all persons affected, make an order directing the land or any part thereof to be laid out into lots or in such other manner and numbered as the judge thinks fit, and a draft plan thereof to be made from actual survey by a surveyor and in accordance with the records of the registry office.

Restraining order

(2) After an order has been made under subsection 1 and after a draft plan has been prepared by the surveyor, the Inspector may issue a restraining order in respect of the land to be included in the plan and any land adjacent thereto that may be affected by the plan, and, subject to subsection 3, after registration of the restraining order no instrument conveying the land or any part thereof, other than a mortgage, shall be registered until after registration of the plan.

SECTION 25. The purpose of the new section is to ensure compliance with *The Planning Act*.

SECTION 26. The repealed provisions relate to judges' plans, and the subject is now dealt with in section 27 of this Bill.

SECTION 27. The effect of judges' plans is strengthened, and the procedures for their preparation and registration are improved.

(3) The Inspector may amend, suspend or withdraw a restraining order issued under subsection 2. Amendment, etc., of restraining order

(4) Where a draft plan of subdivision has been prepared pursuant to an order made under subsection 1, the Inspector may, upon notice in the prescribed manner to all persons interested, apply to a judge of the county or district court of the county or district in which the land is situate for an order that a plan bearing the title "Judge's Plan" be prepared in accordance with the regulations and incorporating such amendments to the draft plan as the judge thinks proper and registered, and the judge may make such order. Order for registration of judge's plan

(5) An order made under this section may determine the limits of any parcel of land, and, upon registration of the plan, the limits shall be deemed to be those shown on the plan. Effect of registration of judge's plan

(6) The costs and expenses of and incidental to the application and the plan and the registration thereof shall be borne by the person or municipality to be named by the judge in his order, and, where the costs and expenses are directed to be borne by the municipality, the judge may by his order direct repayment of them to the municipality by the levy of a special rate by assessment on all the lots included in the plan. Costs

(7) An order made under this section, on being filed with the clerk of the court, may be enforced as if it were a judgment of the court. Effect of filing order

(8) Where an application is made for an order under this section, the Inspector may cause the Attorney General to be notified of the application, and the Attorney General, on behalf of the Crown, may submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 6 as the judge determines to be reasonable, or the Attorney General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 6. Contribution by Crown to cost of plan

Appeal

(9) An order made under this section may be appealed to the Court of Appeal.

Payments out of Consolidated Revenue Fund

(10) Any amount payable by the Crown under subsection 8 shall be paid out of the Consolidated Revenue Fund.

R.S.O. 1960, c. 348, s. 95, repealed

28. Section 95 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 104, amended

29. Section 104 of *The Registry Act* is amended by adding thereto the following subsection:

Reduction of fees

(1*a*) Where, in the opinion of the Inspector, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Inspector may reduce the fee to such amount as he deems appropriate.

R.S.O. 1960, c. 348, s. 113, amended

30. Section 113 of *The Registry Act*, as amended by section 44 of *The Registry Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Division of surplus fees under subs. 2

(5) Notwithstanding subsection 2, the Inspector may, in respect of any registry division, direct that the fees payable to the county and to a city or town shall be computed,

(*a*) in the proportion that the number of instruments affecting land in the county bears to those affecting land in the city or town; or

(*b*) upon the joint application of the county and the city or town, in the proportions requested in the application.

R.S.O. 1960, c. 348, amended

31. *The Registry Act* is amended by adding thereto the following section:

Deputy registrar at large

124*b*. The Inspector may appoint a person to act as a deputy registrar in any registry office as directed by the Inspector, who shall be deemed to be the deputy registrar therein during such period as the Inspector designates.

R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, cl. *f*, re-enacted

32.—(1) Clause *f* of subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(*f*) governing standards for surveys and plans of land to which this Act applies, and procedures for their registration.

SECTION 28. The repealed section provides for procedures upon registration of plans of subdivision. These procedures will be dealt with by regulation.

SECTION 29. Self-explanatory.

SECTION 30. The new subsection provides a simplified method of computing the division of surplus revenue between a county and a city or separated town.

SECTION 31. The new subsection provides a method of supplying a deputy registrar during temporary need.

SECTION 32. The regulating powers are amended to complement the other provisions of this Bill.

SECTION 33. The provisions of *The Custody of Documents Act* are transferred to *The Registry Act*. Provisions concerning references in deposits to land outside the registry division and to the withdrawal of deposits are omitted as obsolete.

(2) Subsection 1 of the said section 126 is amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, amended

(*ga*) governing the procedures to be followed in connection with judges' plans.

(3) Clause *k* of subsection 1 of the said section 126 is amended by inserting after "alphabetical" in the first line "or deposit", so that the clause shall read as follows: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, cl. *k*, amended

(*k*) governing the content of alphabetical or deposit indexes and dispensing therewith in any registry division.

33. *The Registry Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 348, amended

PART II

DEPOSITS

127. In this Part, "document" includes an instrument and any certificate, affidavit, statutory declaration or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend, a notice of sale, or other notice necessary to the exercise of any power of sale or appointment or other power relating to land, and a receipt for payment of money under a registered instrument. Interpretation

128.—(1) A document may be deposited in the office of the registrar of any registry division in which any land to which it relates is situate. Deposit of document

(2) The deposit of a document under this Part shall not be deemed a registration thereof and the admissibility or value of any document as evidence shall not be affected by the deposit. Effect of deposit

129. Upon every such deposit, the person making the deposit shall deliver to the registrar in duplicate a requisition in the prescribed form which shall be firmly attached to any number of documents not exceeding ten, and the registrar shall sign a receipt upon the duplicate for the documents therein mentioned, and shall deliver the receipt to the person making the deposit. Requisition to be filed and receipt given

Each document to be numbered and entered in deposit index

130.—(1) Subject to the regulations, upon receiving the requisition and the documents therein mentioned, the registrar shall enter every document in consecutive order in a book in the prescribed form, to be called the "Deposit Index", and shall endorse on each document the word "deposited", with the date and deposit number, and shall also endorse on the requisition the number so placed on the documents therein mentioned.

Names to be entered in alphabetical index

(2) Subject to the regulations, the registrar shall also enter in an alphabetical index, to be called the "Alphabetical Deposit Index", the number of the deposit and the name of every party to the document, or to the action, suit or proceeding to which the document relates, or, if the document is a certificate or an affidavit or a statutory declaration or other proof as to the birth, baptism, marriage, divorce, death or burial of any person, the name of such person.

Entry in abstract index

(3) Where a deposit refers to a lot or parcel of land, the registrar shall enter in red ink in the abstract index against each such lot or parcel the words "See Deposit No. . . .".

Copying of deposit

(4) The registrar shall copy in full in a proper registry book every document deposited under this Part or shall record the same at full length by means of photographic film reproduction.

Custody of deposits

(5) The provisions of Part I applying to property in or custody of instruments apply to documents deposited under this Part or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof.

Sections 17*a* and 19 apply to deposits

131. Sections 17*a* and 19 apply to a document deposited under this Part.

Deposit relieves from liability

132.—(1) The deposit of a document under this Part shall be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement entered into by any person to produce or allow the inspection of, or the making of, any copy of or extract from the document, and absolves any person liable for the production or custody thereof from any further liability in respect of such custody or production.

SECTION 34. The provisions of *The Investigation of Titles Act* are transferred to *The Registry Act* and revised. The present provisions have not been revised since 1929.

(2) An executor, administrator or trustee may reimburse himself out of the estate for any expense that he incurs in or about depositing any document that came into his possession or control as such executor, administrator or trustee. Expenses of executors, etc.

34. *The Registry Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 348, amended

PART III

INVESTIGATION OF TITLES

133. In this Part, Interpretation

(*a*) "claim" means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights whether inchoate or otherwise, and restrictions as to the use of land or other encumbrance affecting land;

(*b*) "owner" means a person entitled to a freehold, leasehold or other estate or interest in land at law or in equity, possession, in futurity or in expectancy.

134.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or referred to in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, registered against the land within the forty-year period. Claims unregistered for 40 years expire

(2) Subsection 1 does not apply to, Exceptions

(*a*) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;

(*b*) a claim of the Crown or of a municipality in respect of any public highway or lane;

(*c*) a wife's claim to inchoate right to dower in land while her husband is wholly or in part the owner thereof;

(*d*) a claim to an unregistered right-of-way or other easement or right that a person is openly enjoying and using; or

(*e*) any claim imposed by a statutory enactment.

Idem

(3) For the purposes of subsection 1,

(*a*) a wife's claim to inchoate right to dower shall be deemed to be acknowledged or referred to in an instrument by which her husband alienates the land;

(*b*) an instrument, the entry of which has been ruled off the abstract index under section 73, shall be deemed not to have been registered.

Title shown for 40 years

(4) A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 2.

Registration of notice of claim

135.—(1) A person having a claim against land that is not barred under section 134 or a person on his behalf may register in the proper registry office a notice which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

Idem

(2) Notwithstanding subsection 1 of section 134 and subsection 1 of this section, a notice of a claim that has expired by virtue of the operation of subsection 1 of section 134 may be registered under subsection 1 if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 1 of section 134.

Registration not to validate expired claim

(3) The registration of a notice under subsection 1 does not validate a claim that has otherwise expired.

BILL 44

An Act to amend The Registry Act

1st Reading

February 20th, 1964

2nd Reading

March 4th, 1964

3rd Reading

MR. WISHART

(*Reprinted as amended by the Committee of the Whole House*)

1964

BILL 44

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Registry Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 44 **1964**

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Registry Act* is amended by inserting after "mortgage" in the third line "notice of sale by a mortgagee". R.S.O. 1960, c. 348, s. 1, cl. *d*, amended

(2) The said section 1, as amended by section 1 of *The Registry Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 1, amended

(*fa*) "plan of subdivision" means a plan by which the owner of land divides the land into designated lots or blocks, but does not include a plan to which *The Cemeteries Act* or *The Expropriation Procedures Act, 1962-63* applies. R.S.O. 1960, c. 47 1962-63, c. 43

2. *The Registry Act* is amended by inserting the heading "PART I" immediately preceding section 2. R.S.O. 1960, c. 348, amended

3. Subsection 2 of section 4 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 4, subs. 2, re-enacted

(2) The Lieutenant Governor in Council may, by regulation, Changes in registry divisions

(*a*) combine two registry divisions into one registry division;

(*b*) divide a registry division in a provisional judicial district into two registry divisions; or

(*c*) annex a part of a registry division to an adjoining registry division,

but there shall be at least one registry office for each county or district described in section 1 of *The Territorial Division Act*. R.S.O. 1960, c. 395

R.S.O. 1960, c. 348, s. 6, subs. 2, amended

4.—(1) Subsection 2 of section 6 of *The Registry Act* is amended by inserting after "subsection 1" in the fourth line "or 5", so that the subsection shall read as follows:

Expense

(2) A town separated from a county for municipal purposes, and a city for which there is no separate registry office, shall bear such equitable proportion of the expense incurred under subsection 1 or 5 as the Inspector directs.

R.S.O. 1960, c. 348, s. 6, subs. 4, re-enacted

(2) Subsection 4 of the said section 6 is repealed and the following substituted therefor:

Municipality to provide equipment

(4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall, when so required by the Inspector, provide typewriters, telephones, directories and such other equipment and supplies as the Inspector deems necessary for the purpose of the office, and the Inspector may direct that equipment other than filing equipment or furniture may be leased rather than purchased.

Where registry office facilities inadequate

(5) Where it appears that the building or the part of a building that is provided by a county or city for a registry office is inadequate, having regard to the volume of business, storage requirements, staff facilities or otherwise, the Lieutenant Governor in Council may direct the county or city to erect a new building or an addition to the existing building upon a plan and on a site to be approved by him.

R.S.O. 1960, c. 348, s. 19, subs. 2, re-enacted

5. Subsection 2 of section 19 of *The Registry Act* is repealed and the following substituted therefor:

Production of originals upon order of judge or magistrate

(2) A judge of a court or a magistrate in Ontario may, for the purposes of a hearing, order a registrar to produce any instrument or document in his custody where, in the opinion of the judge or magistrate, a certified copy thereof is not sufficient.

Delivery

(3) Upon receipt of an order under subsection 2 and the fee prescribed for a certified copy of the instrument or document required by the order to be produced, the registrar shall prepare a certified copy of the instrument or document and deliver the original instrument or document to the person named in the order.

(4) The registrar shall attach the order to the certified copy and shall file the copy in his office in place of the original instrument or document until the original has been returned. Substituting a copy

(5) Notwithstanding subsection 2 of section 52 of *The Evidence Act*, an instrument or document produced by a registrar under this section shall be returned to the custody of the registrar after the final disposition of the cause or action to which it pertains. Return of documents to registrar R.S.O. 1960, c. 125

6. Subsection 8 of section 20 of *The Registry Act*, as re-enacted by subsection 3 of section 7 of *The Registry Amendment Act, 1962-63*, is amended by adding thereto the following item: R.S.O. 1960, c. 348, s. 20, subs. 8 (1962-63, c. 124, s. 7, subs. 3), amended

15. A caution under section 13 of *The Devolution of Estates Act*, not containing a local description, or a certificate withdrawing such a caution. R.S.O. 1960 c. 106

7. Subsection 2 of section 29 of *The Registry Act* is amended by inserting after "instrument" in the first line "other than a will or power of attorney", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 2, amended

(2) Every instrument, other than a will or power of attorney, that mentions such parcel or lot of land or other subdivision, the names of every party to the instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries required by law, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land. Entries

8. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

31*a*.—(1) In this section, Interpretation

(*a*) "deed" means an instrument purporting to grant or convey land, other than a mortgage;

(*b*) "deed to uses" means a deed expressed to be given to such uses as the grantee may appoint by deed, mortgage or will;

(*c*) "owner to uses" means a grantee under a registered deed to uses;

(*d*) "unencumbered interest" means the interest that an owner to uses is capable of appointing.

Exercise of power of appointment in deed to uses

(2) An owner to uses may exercise his power of appointment by a deed or mortgage or by his will.

Mortgage does not exhaust power

(3) An appointment by way of mortgage by an owner to uses does not exhaust his power of appointment.

Effect of discharge of mortgage

(4) Notwithstanding the registration of a discharge of a mortgage,

(*a*) that was made by way of appointment by the owner to uses; or

(*b*) to which the land was subject when he became the owner to uses,

the owner to uses may exercise his power of appointment as though the mortgage had not been made.

Effect of default of appointment

(5) An owner to uses who dies without having exercised his power of appointment by deed, mortgage or will shall be deemed to have appointed the land by way of deed to himself immediately before his death.

Idem

(6) An owner to uses who has appointed the land or a part thereof in respect of which he has a power of appointment by way of mortgage and who dies without having appointed by way of deed or will shall be deemed to have appointed the unencumbered interest in the land by way of deed to himself immediately before his death.

No inchoate dower right

(7) Until the death of an owner to uses who is a married man, his wife has no right to dower in the land of which he is the owner to uses.

Where widow entitled to dower

(8) The widow of an owner to uses, unless otherwise disentitled, has a right to dower only in the unencumbered interest her husband had in the land of which he was the owner to uses at the date of his death.

R.S.O. 1960, c. 348, s. 32, re-enacted

9. Section 32 of *The Registry Act* is repealed and the following substituted therefor:

32. An instrument executed on or after the 1st day of July, 1964, other than a plan of survey, shall not be registered if its dimensions are greater than 8½ inches by 14 inches. Maximum size of instrument

10. Subsections 1, 2, 3, 4, 5 and 6 of section 33 of *The Registry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 33, subss. 1, 2, re-enacted; subss. 3-6, repealed

(1) Except as provided by subsections 5*a* and 8 of section 20, an instrument that does not contain a local description of the land affected thereby other than a plan or a certificate in the prescribed form completely discharging a mortgage shall not be registered unless the instrument is otherwise capable of registration and has securely attached to it a declaration in the prescribed form by a party to the instrument, or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division and containing a local description. Local description required

(2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in subsection 1. Registration of declaration as to lands affected

11. Subsection 1 of section 34 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 34, subs. 1, re-enacted

(1) An instrument shall not be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party, including a guarantor or surety, who appears to to have executed it. Affidavit of witness

(1*a*) Subsection 1 does not apply to, Where not required

(*a*) a will;

(*b*) a grant or lease from the Crown;

(*c*) an order in council;

(*d*) an instrument that purports to be executed by an officer of the Government of Ontario;

(*e*) the execution of an instrument by a corporation under its seal;

(*f*) a by-law of a municipality;

(*g*) a certificate of judicial proceedings;

(*h*) a plan or a plan and description in respect of expropriated land;

R.S.O. 1960, c. 171

(*i*) an instrument under section 3, 6 or 13 of *The Highway Improvement Act*;

R.S.O. 1960, c. 296

(*j*) a consent under section 26 of *The Planning Act*;

(*k*) a copy of an instrument certified under section 43;

(*l*) a sworn or notarial copy of an instrument where such copy may be registered;

(*m*) a statutory declaration;

R.S.O. 1960, c. 98

(*n*) a tax arrears certificate, redemption certificate or vacating certificate under *The Department of Municipal Affairs Act*;

R.S.O. 1960, c. 23

(*o*) a tax sale notice or redemption receipt under *The Assessment Act*.

R.S.O. 1960, c. 348, s. 36, re-enacted

12. Section 36 of *The Registry Act* is repealed and the following substituted therefor:

Registrar and deputy registrar may administer oath

36.—(1) Every registrar and deputy registrar of deeds is *ex officio* a commissioner for taking affidavits for use under this Act and relating to land in his registry division.

Affidavits, etc., made outside Ontario

R.S.O. 1960, c. 125

(2) Notwithstanding sections 44 and 45 of *The Evidence Act*, an affidavit, affirmation or declaration sworn, affirmed or made under section 44 or 45 of *The Evidence Act* is not sufficient for the purposes of this Act unless it is admissible in evidence without proof of signature under subsection 2 of section 44 or subsection 3 of section 45 of *The Evidence Act*.

R.S.O. 1960, c. 348, s. 41, amended

13. Section 41 of *The Registry Act* is amended by adding thereto the following subsection:

(2) Where an attorney empowered under section 294 of *The Corporations Act* or section 19 of the *Companies Act* (Canada) executes an instrument under his seal on behalf of a corporation, subsection 1 of section 34 applies.

Proof of execution by attorney for corporation R.S.O. 1960, c. 71 R.S.C. 1952, c. 53

14. Subsection 1 of section 42 of *The Registry Act*, as re-enacted by section 17 of *The Registry Amendment Act, 1962-63*, is amended by inserting after "land" in the second line "other than an order or certificate endorsed on an instrument", so that the subsection shall read as follows:

R.S.O. 1960, c. 348, s. 42 (1962-63, c. 124, s. 17), subs. 1, amended

(1) A judgment or order of a court or judge affecting land, other than an order or certificate endorsed on an instrument, may be registered in the registry office of the registry division in which the land is situate by registering therein,

Judgments and orders affecting land

(*a*) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order; or

(*b*) a copy of the judgment or order certified as such by the proper officer of the court.

15. *The Registry Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 348, amended

43*a*. A copy of an instrument deposited under Part II of this Act or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, certified by the registrar in whose office the instrument is deposited, may be registered subject to the proof for registration required by this Act.

Registration of deposits

16. Section 48 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 348, s. 48, re-enacted

48.—(1) Notwithstanding section 47, where a mortgage is registered in a registry office in which a system of recording instruments on photographic film has not been established, the registrar shall cause to be entered in the registry book in its proper order the registration number and time of receipt that have been endorsed on the mortgage under section 54 and the words "Mortgage not recorded in full", the date and names of the parties to the mortgage, the amount secured, the rate of interest, the amount and dates of payment set out in the proviso for redemption,

Entry of mortgages in copy books

the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the mortgaged land, and the registrar shall also cause the mortgage to be recorded in the abstract index where the entry shall include the words "Not recorded in full".

Subsequent recording in full

(2) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land and upon payment of the prescribed fees, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction.

When mortgage to be recorded in full

(3) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has not been recorded in full shall be registered until the mortgage and any assignment thereof have been duly registered and recorded in full under subsection 2.

R.S.O. 1960, c. 348, s. 52, subss. 1-3, re-enacted

17.—(1) Subsections 1, 2 and 3 of section 52 of *The Registry Act* are repealed and the following substituted therefor:

Affidavit as to age

(1) A deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, plan of subdivision, release or quit claim that is executed by one or more men or women shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such person or any one of such persons, as the case may be, or, if the document is executed by an attorney, by that attorney, deposing or declaring that each such person was of the full age of twenty-one years at the time of the execution.

Powers of attorney

(1*a*) A power of attorney executed by one or more men or women after the 1st day of July, 1964, shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration made by one of the persons by whom it was executed or by the attorney deposing or declaring that each person by whom the power of attorney was executed was of the full age of twenty-one years at the time of the execution.

(2) A deed, conveyance, mortgage, lease, release or quit claim that is executed by a man and in which a woman joins as his wife to bar her dower shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing or declaring that they were legally married at the time of the execution. Affidavit as to marriage

(3) A deed, conveyance, mortgage, lease, release or quit claim that is executed by a man and in which no one joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by the man, or, if the document is executed by an attorney, by that attorney, deposing or declaring that the man was married, unmarried, divorced or a widower, as the case may be, at the time of the execution. Affidavit as to marital status

(2) Subsection 6 of the said section 52 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 52, subs. 6, re-enacted

(6) Subsection 1 does not apply, Where subs. 1 does not apply

(*a*) to a wife who joins in a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, release or quit claim solely for the purpose of barring her dower; or

(*b*) to an executor or administrator, the Public Trustee or any other person dealing with lands in an official capacity.

(3) Clause *b* of subsection 7 of the said section 52 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 52, subs. 7, cl. *b*, re-enacted

(*b*) to a deed, conveyance, mortgage, lease, release or quit claim made by men or women as joint tenants, trustees or under power of appointment or who hold the lands as partnership property if they are so described in a registered conveyance of the lands to them.

(4) Clause *d* of subsection 7 of the said section 52 is amended by striking out "assignment of mortgage" in the first and R.S.O. 1960, c. 348, s. 52, subs. 7, cl. *d*, amended

second lines and inserting in lieu thereof "lease", so that the clause shall read as follows:

(*d*) to a deed, conveyance, mortgage, lease, release or quit claim made by an executor or administrator or trustee under a will or by the Public Trustee or any other person dealing with lands in an official capacity.

R.S.O. 1960, c. 348, s. 52, amended

(5) The said section 52 is amended by adding thereto the following subsection:

Affidavit by corporate attorney

(8) Where any affidavit or declaration required by this section is made by an attorney that is a corporation, the affidavit or declaration shall be made by an officer of the corporation.

R.S.O. 1960, c. 348, amended

18. *The Registry Act* is amended by adding thereto the following section:

Interpretation

53*a*.—(1) In this section, "grantee" includes a grantee under a deed or other conveyance, a mortgagee or a person claiming an interest in land.

Description of grantee

(2) An instrument executed on or after the 1st day of July, 1964, shall not be registered unless every grantee thereunder, other than a corporation, is described by his surname and by at least one given name in full.

R.S.O. 1960, c. 348, s. 61, repealed

19. Section 61 of *The Registry Act*, as amended by section 24 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 348, s. 66, re-enacted

20. Section 66 of *The Registry Act* is repealed and the following substituted therefor:

Discharge of mortgages held by amalgamated loan or trust corporations

66. Where a loan or trust corporation that has acquired the assets of another loan or trust corporation by amalgamation of such corporations desires to discharge any of the mortgages of such corporation and the certificate of amalgamation or a sworn copy thereof has been registered, it is sufficient to set forth in the instrument to be registered the fact of the assent of the Lieutenant Governor in Council or the Governor in Council, as the case may be, to the amalgamation with the date of the certificate of amalgamation and its registered number, or a reference to the Act by which the loan or trust corporations were amalgamated or by which the agreement

was ratified, and upon registration of the discharge the registrar shall enter in the abstract index the particulars of amalgamation mentioned in the discharge.

21. Subsection 3 of section 75 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 75, subs. 3, re-enacted

(3) Every order of the Ontario Municipal Board or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office. Orders, etc., re changes in municipal boundaries

22. Section 86 of *The Registry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 86, re-enacted

86.—(1) A plan of subdivision shall not be registered unless it has been prepared by a surveyor and unless it complies with the regulations. Registered plan of subdivision

(2) An instrument that refers to a plan of subdivision shall not be registered unless the plan of subdivision is registered. Idem

(3) Subject to section 90, an instrument affecting the land on a plan or any part thereof executed after the plan is registered, except a certificate in the prescribed form completely discharging a mortgage, shall not be registered unless it conforms to the plan. Instruments to conform to plan

(4) Where land is mortgaged and subsequently subdivided by a registered plan, any complete or partial discharge of the mortgage registered after the plan is registered shall be entered in the abstract index for the affected lots according to the plan and in the abstract index for the lot or lots in which the mortgage was entered or for such of them as are affected by the discharge. Discharge of prior mortgage

(5) Any public or private street, way, lane or alley, or block, tract or lot, being the only access to a lot or lots laid down on a plan of subdivision, shall be deemed to be a street or highway. What to be deemed street or highway

Plans of unpatented lands

(6) The registrar shall not register a plan of a subdivision of land for which a Crown patent has not issued unless the assent of the Minister of Lands and Forests to the registration is endorsed on the plan.

Registrar not to file plans for anyone but owner or without consent of mortgagees

(7) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, or unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is endorsed on the plan and signed by every such person and, except in the case of a corporation, every such signature is verified by affidavit, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Approvals under R.S.O. 1960, c. 296

(8) No plan to which *The Planning Act* applies, except a plan registered under section 26, 88, 94 or 94*a* of this Act, shall be registered unless approved under *The Planning Act*.

Illustration of vague or complex description

86*a*. Where an instrument submitted for registration contains a description that in the opinion of the registrar is difficult to apply because of its complexity or vagueness, the registrar may require that the description be illustrated, and the illustration shall be attached to the instrument and shall be by,

(*a*) a plan or a print of a plan of the land made by a surveyor; or

(*b*) a sketch of the land drawn to scale, and including,

(i) the distance from the land so described to one or more lot angles; or

(ii) a tie to a point of reference contained in a registered instrument.

R.S.O. 1960, c. 348, s. 88, subs. 1, re-enacted

23.—(1) Subsection 1 of section 88 of *The Registry Act* is repealed and the following substituted therefor:

Abstract index for subdivision of lots

(1) The Inspector may direct the registrar to subdivide any lot or designated area into such lots, blocks or parts for abstract purposes as, having regard to conveyances registered upon such lots and otherwise,

he directs, and in such case an abstract index shall be prepared by the registrar for each of such lots, blocks or parts as if it had been originally a separate lot, and shall extend from any past or future date directed by the Inspector, and shall contain only those registrations that affect the subdivision to which the index relates.

Registrar's compiled plan may be registered

(1*a*) Where an abstract index is prepared under subsection 1, the Inspector may direct the registrar to cause a plan to be compiled showing the lots, blocks and parts into which the designated area has been subdivided, and the compiled plan, bearing the title "Registrar's Compiled Plan", may be registered.

Idem

(1*b*) Where the registrar is unable to prepare an abstract or a compiled plan under subsection 1 without the assistance of a surveyor, he may, with the approval of the Inspector, engage a surveyor to assist in such preparation.

Idem

(1*c*) Where a compiled plan is registered under subsection 1*a*, subsections 3 and 4 of section 86 and subsection 16 of section 94 apply.

R.S.O. 1960, c. 348, s. 88, subss. 5, 6, repealed

(2) Subsections 5 and 6 of the said section 88 are repealed.

R.S.O. 1960, c. 348, s. 91, subss. 1, 2, re-enacted

24.—(1) Subsections 1 and 2 of section 91 of *The Registry Act* are repealed and the following substituted therefor:

When registered plan not binding

(1) A registered plan is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered.

Amendment of plan

(2) Upon the application of the person by whom a plan was registered or of his assigns, or of the owner for the time being of land within the plan, a judge of the Supreme Court or a judge of the county or district court of the county or district in which the land lies may authorize or order amendments or alterations to be made to the registered plan.

R.S.O. 1960, c. 348, s. 91, amended

(2) The said section 91 is amended by adding thereto the following subsection:

Plan of re-subdivision may be registered

(5) Nothing in this section prevents the registration of a plan of re-subdivision if, where a public highway is affected by the re-subdivision, the proper officers of the authority having jurisdiction and control over the highway consent to the plan.

R.S.O. 1960, c. 348, amended

25. *The Registry Act* is amended by adding thereto the following section:

Registration of amended plan

92*a*. Where an amendment to a plan under section 91 or 92 alters the size or boundaries of any lot or block, the amendment does not take effect until a new plan of subdivision showing the amendments is registered with the amending order, and the provisions of this Act that apply to plans of subdivision and the provisions of *The Planning Act* respecting the approval of plans of subdivision apply to the amended plan.

R.S.O. 1960, c. 296

R.S.O. 1960, c. 348, s. 94, subss. 13-15, 17, repealed

26.—(1) Subject to subsection 2, subsections 13, 14, 15 and 17 of section 94 of *The Registry Act* are repealed.

Saving

(2) Subsections 13, 14, 15 and 17 of the said section 94, as repealed by subsection 1, continue to apply to the preparation and registration of any plan ordered to be made under the said subsection 13 before subsection 1 of this section comes into force.

R.S.O. 1960, c. 348, amended

27. *The Registry Act* is amended by adding thereto the following section:

Order for draft plan

94*a*.—(1) Where parts of lots, blocks or other designated areas shown by a registered plan have been conveyed or where any other land has been conveyed by metes and bounds or in any other manner without a plan having been registered showing such subdivisions, a judge of the county or district court of the county or district in which the land is situate may, upon the application of the Inspector and upon notice in the prescribed manner to all persons affected, make an order directing the land or any part thereof to be laid out into lots or in such other manner and numbered as the judge thinks fit, and a draft plan thereof to be made from actual survey by a surveyor and in accordance with the records of the registry office.

Restraining order

(2) After an order has been made under subsection 1 and after a draft plan has been prepared by the surveyor, the Inspector may issue a restraining order in respect of the land to be included in the plan and any land adjacent thereto that may be affected by the plan, and, subject to subsection 3, after registration of the restraining order no instrument conveying the land or any part thereof, other than a mortgage, shall be registered until after registration of the plan.

(3) The Inspector may amend, suspend or withdraw a restraining order issued under subsection 2. Amendment, etc., of restraining order

(4) Where a draft plan of subdivision has been prepared pursuant to an order made under subsection 1, the Inspector may, upon notice in the prescribed manner to all persons interested, apply to a judge of the county or district court of the county or district in which the land is situate for an order that a plan bearing the title "Judge's Plan" be prepared in accordance with the regulations and incorporating such amendments to the draft plan as the judge thinks proper and registered, and the judge may make such order. Order for registration of judge's plan

(5) An order made under this section may determine the limits of any parcel of land, and, upon registration of the plan, the limits shall be deemed to be those shown on the plan. Effect of registration of judge's plan

(6) The costs and expenses of and incidental to the application and the plan and the registration thereof shall be borne by the person or municipality to be named by the judge in his order, and, where the costs and expenses are directed to be borne by the municipality, the judge may by his order direct repayment of them to the municipality by the levy of a special rate by assessment on all the lots included in the plan. Costs

(7) An order made under this section, on being filed with the clerk of the court, may be enforced as if it were a judgment of the court. Effect of filing order

(8) Where an application is made for an order under this section, the Inspector may cause the Attorney General to be notified of the application, and the Attorney General, on behalf of the Crown, may submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 6 as the judge determines to be reasonable, or the Attorney General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 6. Contribution by Crown to cost of plan

Appeal

(9) An order made under this section may be appealed to the Court of Appeal.

Payments out of Consolidated Revenue Fund

(10) Any amount payable by the Crown under subsection 8 shall be paid out of the Consolidated Revenue Fund.

R.S.O. 1960, c. 348, s. 95, repealed

28. Section 95 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 104, amended

29. Section 104 of *The Registry Act* is amended by adding thereto the following subsection:

Reduction of fees

(1*a*) Where, in the opinion of the Inspector, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Inspector may reduce the fee to such amount as he deems appropriate.

R.S.O. 1960, c. 348, s. 113, amended

30. Section 113 of *The Registry Act*, as amended by section 44 of *The Registry Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Division of surplus fees under subs. 2

(5) Notwithstanding subsection 2, the Inspector may, in respect of any registry division, direct that the fees payable to the county and to a city or town shall be computed,

(*a*) in the proportion that the number of instruments affecting land in the county bears to those affecting land in the city or town; or

(*b*) upon the joint application of the county and the city or town, in the proportions requested in the application.

R.S.O. 1960, c. 348, amended

31. *The Registry Act* is amended by adding thereto the following section:

Deputy registrar at large

124*b*. The Inspector may appoint a person to act as a deputy registrar in any registry office as directed by the Inspector, who shall be deemed to be the deputy registrar therein during such period as the Inspector designates.

R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, cl. *f*, re-enacted

32.—(1) Clause *f* of subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(*f*) governing standards for surveys and plans of land to which this Act applies, and procedures for their registration.

(2) Subsection 1 of the said section 126 is amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, amended

(*ga*) governing the procedures to be followed in connection with judges' plans.

(3) Clause *k* of subsection 1 of the said section 126 is amended by inserting after "alphabetical" in the first line "or deposit", so that the clause shall read as follows: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, cl. *k*, amended

(*k*) governing the content of alphabetical or deposit indexes and dispensing therewith in any registry division.

33. *The Registry Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 348, amended

PART II

DEPOSITS

127. In this Part, "document" includes an instrument and any certificate, affidavit, statutory declaration or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend, a notice of sale, or other notice necessary to the exercise of any power of sale or appointment or other power relating to land, and a receipt for payment of money under a registered instrument. Interpretation

128.—(1) A document may be deposited in the office of the registrar of any registry division in which any land to which it relates is situate. Deposit of document

(2) The deposit of a document under this Part shall not be deemed a registration thereof and the admissibility or value of any document as evidence shall not be affected by the deposit. Effect of deposit

129. Upon every such deposit, the person making the deposit shall deliver to the registrar in duplicate a requisition in the prescribed form which shall be firmly attached to any number of documents not exceeding ten, and the registrar shall sign a receipt upon the duplicate for the documents therein mentioned, and shall deliver the receipt to the person making the deposit. Requisition to be filed and receipt given

Each document to be numbered and entered in deposit index

130.—(1) Subject to the regulations, upon receiving the requisition and the documents therein mentioned, the registrar shall enter every document in consecutive order in a book in the prescribed form, to be called the "Deposit Index", and shall endorse on each document the word "deposited", with the date and deposit number, and shall also endorse on the requisition the number so placed on the documents therein mentioned.

Names to be entered in alphabetical index

(2) Subject to the regulations, the registrar shall also enter in an alphabetical index, to be called the "Alphabetical Deposit Index", the number of the deposit and the name of every party to the document, or to the action, suit or proceeding to which the document relates, or, if the document is a certificate or an affidavit or a statutory declaration or other proof as to the birth, baptism, marriage, divorce, death or burial of any person, the name of such person.

Entry in abstract index

(3) Where a deposit refers to a lot or parcel of land, the registrar shall enter in red ink in the abstract index against each such lot or parcel the words "See Deposit No....".

Copying of deposit

(4) The registrar shall copy in full in a proper registry book every document deposited under this Part or shall record the same at full length by means of photographic film reproduction.

Custody of deposits

(5) The provisions of Part I applying to property in or custody of instruments apply to documents deposited under this Part or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof.

Sections 17*a* and 19 apply to deposits

131. Sections 17*a* and 19 apply to a document deposited under this Part.

Deposit relieves from liability

132.—(1) The deposit of a document under this Part shall be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement entered into by any person to produce or allow the inspection of, or the making of, any copy of or extract from the document, and absolves any person liable for the production or custody thereof from any further liability in respect of such custody or production.

(2) An executor, administrator or trustee may reimburse himself out of the estate for any expense that he incurs in or about depositing any document that came into his possession or control as such executor, administrator or trustee. Expenses of executors, etc.

34. *The Registry Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 348, amended

PART III

INVESTIGATION OF TITLES

133. In this Part, Interpretation

(*a*) "claim" means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights whether inchoate or otherwise, and restrictions as to the use of land or other encumbrance affecting land;

(*b*) "owner" means a person entitled to a freehold, leasehold or other estate or interest in land at law or in equity, possession, in futurity or in expectancy.

134.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or referred to in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, registered against the land within the forty-year period. Claims unregistered for 40 years expire

(2) Subsection 1 does not apply to, Exceptions

(*a*) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;

(*b*) a claim of the Crown or of a municipality in respect of any public highway or lane;

(*c*) a wife's claim to inchoate right to dower in land while her husband is wholly or in part the owner thereof;

(*d*) a claim to an unregistered right-of-way or other easement or right that a person is openly enjoying and using; or

(*e*) any claim imposed by a statutory enactment.

Idem

(3) For the purposes of subsection 1,

(*a*) a wife's claim to inchoate right to dower shall be deemed to be acknowledged or referred to in an instrument by which her husband alienates the land;

(*b*) an instrument, the entry of which has been ruled off the abstract index under section 73, shall be deemed not to have been registered.

Title shown for 40 years

(4) A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 2.

Registration of notice of claim

135.—(1) A person having a claim against land that is not barred under section 134 or a person on his behalf may register in the proper registry office a notice which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

Idem

(2) Notwithstanding subsection 1 of section 134 and subsection 1 of this section, a notice of a claim that has expired by virtue of the operation of subsection 1 of section 134 may be registered under subsection 1 if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 1 of section 134.

Registration not to validate expired claim

(3) The registration of a notice under subsection 1 does not validate a claim that has otherwise expired.

136. Where there is any conflict between the provisions of this Part and those of any Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail. This Part to prevail over other provisions

35. Sections 13, 14, 19 and 35 of *The Registry Amendment Act, 1962-63* are repealed. 1962-63, c. 124, ss. 13, 14, 19, 35, repealed

36. Subsection 3 of section 54 of *The Registry Amendment Act, 1962-63* is amended by striking out "13, 14" in the first line, by striking out "19" in the first line and by striking out "35" in the second line. 1962-63, c. 124, s. 54, subs. 3, amended

37. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force. Validity of prior registrations not affected

38.—(1) This Act, except sections 8, 33 and 34, comes into force on the 1st day of July, 1964. Commencement

(2) Sections 8, 33 and 34 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

39. This Act may be cited as *The Registry Amendment Act, 1964.* Short title

BILL 44

An Act to amend The Registry Act

1st Reading

February 20th, 1964

2nd Reading

March 4th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 45

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Investigation of Titles Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The provisions of *The Investigation of Titles Act* are transferred to *The Registry Act*.

BILL 45 **1964**

An Act to repeal The Investigation of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Investigation of Titles Act* and *The Investigation of Titles Amendment Act, 1962-63* are repealed. R.S.O. 1960, c. 193; 1962-63, c. 65, repealed

2. Any reference in or under any Act to *The Investigation of Titles Act* shall be deemed to be a reference to Part III of *The Registry Act*. References to *The Investigation of Titles Act* R.S.O. 1960, c. 348

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Investigation of Titles Repeal Act, 1964*. Short title

An Act to repeal
The Investigation of Titles Act

1st Reading

February 20th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 45

2ND SESSION, 27TH LEGISLATURE, ONTARIO
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Investigation of Titles Act* and *The Investigation of Titles Amendment Act, 1962-63* are repealed. R.S.O. 1960, c. 193; 1962-63, c. 65, repealed

2. Any reference in or under any Act to *The Investigation of Titles Act* shall be deemed to be a reference to Part III of *The Registry Act*. References to *The Investigation of Titles Act* R.S.O. 1960, c. 348

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Investigation of Titles Repeal Act, 1964*. Short title

BILL 45

An Act to repeal
The Investigation of Titles Act

1st Reading

February 20th, 1964

2nd Reading

March 4th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 46

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Custody of Documents Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The provisions of *The Custody of Documents Act* are transferred to *The Registry Act*.

BILL 46 **1964**

An Act to repeal The Custody of Documents Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Custody of Documents Act* and *The Custody of Documents Amendment Act, 1962-63* are repealed. R.S.O. 1960, c. 85; 1962-63, c. 30, repealed

2. Any reference in or under any Act to *The Custody of Documents Act* shall be deemed to be a reference to Part II of *The Registry Act*. References to *The Custody of Documents Act* R.S.O. 1960, c. 348

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Custody of Documents Repeal Act, 1964*. Short title

BILL 46

An Act to repeal
The Custody of Documents Act

1st Reading

February 20th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 46

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Custody of Documents Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 46 **1964**

An Act to repeal The Custody of Documents Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Custody of Documents Act* and *The Custody of Documents Amendment Act, 1962-63* are repealed. R.S.O. 1960, c. 85; 1962-63, c. 30, repealed

2. Any reference in or under any Act to *The Custody of Documents Act* shall be deemed to be a reference to Part II of *The Registry Act.* References to *The Custody of Documents Act* R.S.O. 1960, c. 348

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Custody of Documents Repeal Act, 1964.* Short title

BILL 46

An Act to repeal
The Custody of Documents Act

1st Reading

February 20th, 1964

2nd Reading

March 4th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 47

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Ontario Energy Board Act, 1964

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Both *The Ontario Energy Board Act* and *The Energy Act* are being revised and up-dated in the light of experience in order to improve administration.

Section 1 is now self-contained, and therefore there is no need to refer to *The Energy Act, 1964* for the meaning of expressions used in *The Ontario Energy Board Act, 1964*.

The provisions respecting pipe lines and a number of other provisions have been transferred from *The Energy Act* for greater convenience.

In addition, the following changes are of interest:

1. The powers of the Board are clarified. For example, see sections 13, 15, 19 and 23.

2. The provisions with respect to the storage of gas are strengthened. See sections 20, 21 and 22.

3. The appeal to the Lieutenant Governor in Council from orders and decisions of the Board is brought into line with similar appeals from orders of the Ontario Municipal Board, thus bringing about uniformity of practice and procedure in these matters. See section 33.

4. The pipe line provisions are broadened to deal expressly with pipe line stations. See section 1, paragraph 16, and section 37 and following.

BILL 47 **1964**

The Ontario Energy Board Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

1. "associate" means a person, whether directly or indirectly through one or more intermediaries,

   i. who has the power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company,

   ii. whose management and policies any gas transmitter, distributor or storage company has the power to direct or to cause to be directed,

   iii. whose management and policies any other person has the power to direct or to cause to be directed, provided that such other person has such power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company;

2. "Board" means the Ontario Energy Board;

3. "distributor" means a person who supplies gas or fuel oil to a consumer, and "distribute" and "distribution" have corresponding meanings;

4. "fuel oil" means a hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 100°F.;

5. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;

6. "hydrocarbon" means a chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;

7. "land" includes any interest in land;

8. "manufactured gas" includes a mixture of liquefied petroleum gas and air distributed by pipe line;

9. "Minister" means the Minister of Energy and Resources Management;

10. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;

11. "owner" includes a person who is a mortgagee, lessee, tenant and occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;

R.S.O. 1960, c. 191

12. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;

13. "pipe line" means a pipe that carries a hydrocarbon, other than undiluted liquefied petroleum gas, and includes every part thereof and adjunct thereto;

14. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;

15. "regulations" means the regulations made under this Act;

16. "station" means a compressor station, a metering station, an odorizing station or a regulating station;

17. "storage company" means a person engaged in the business of storing gas;

18. "transmission line" means a pipe line, other than a production line, a distribution line, a pipe line within an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal or station;

19. "transmitter" means a person who carries a hydrocarbon by transmission line, and "transmit" and "transmission" have corresponding meanings;

20. "utility line" means a pipe line, a telephone, telegraph, electric power or water line, or any other line that supplies a service or commodity to the public;

21. "well" means a well drilled or bored for gas or oil, and includes a hole drilled or bored for obtaining sub-surface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well;

22. "work" means a well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil, or the transmission of a hydrocarbon or the manufacture of gas. R.S.O. 1960, c. 271, s. 1, *amended.*

PART I

THE BOARD

Board, composition

2.—(1) The Ontario Energy Board shall continue to consist of not fewer than three and not more than five members as the Lieutenant Governor in Council may from time to time determine.

appointment

(2) The members of the Board shall be appointed by the Lieutenant Governor in Council, and one of them shall be designated chairman and one or more of them may be designated vice-chairmen.

vacancies

(3) Vacancies in the membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

quorum

(4) Two members of the Board form a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board whether or not a vacancy in the membership of the Board exists. R.S.O. 1960, c. 271, ss. 2-4, *amended.*

Secretary
1961-62, c. 121

3.—(1) A secretary of the Board and such assistant secretaries as are deemed necessary may be appointed under *The Public Service Act, 1961-62*. R.S.O. 1960, c. 271, s. 6 (1), *amended*.

Acting secretary

(2) Where the office of secretary is vacant or in his absence or inability to act, the Board may designate a member of the Board or an assistant secretary to act *pro tempore* as secretary. R.S.O. 1960, c. 271, s. 6 (3).

Staff

4. The staff of the Board shall consist of such officers and employees as are deemed necessary. R.S.O. 1960, c. 271, s. 6 (4).

Power to administer oaths

5. Every member of the Board and its secretary has, for the purposes of this Act and every other Act under which the Board functions, the same powers as a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 271, s. 5.

Protection from being called as witnesses

6.—(1) No member of the Board or its secretary or any of its staff shall be required to give testimony in any proceedings with regard to information obtained by him in the discharge of his official duties.

Protection from personal liability

(2) No member of the Board or its secretary or any of its staff is personally liable for anything done by it or by him under the authority of this or any other Act. R.S.O. 1960, c. 271, s. 7.

Certified copies

7. Upon application of any person and upon payment of the prescribed fee, a member of the Board or the secretary shall certify and deliver to such person a true copy of any order or reasons for decision of the Board. R.S.O. 1960, c. 271, s. 8, *amended*.

Assistance

8. The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it. R.S.O. 1960, c. 271, s. 9.

Annual report

9.—(1) The Board shall make a report annually to the Minister containing such information as the Minister requires.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly it it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 271, s. 39, *amended*.

Money

10. The moneys required for the purposes of the Board shall be paid out of the moneys that are appropriated therefor by the Legislature. R.S.O. 1960, c. 271, s. 10.

11.—(1) The Board shall adopt an official seal. R.S.O. 1960, c. 271, s. 11 (1). Seal

(2) All orders made by the Board shall be signed by the chairman, a vice-chairman, the secretary or an assistant secretary and sealed with the seal of the Board, and, when purporting to be so signed and sealed, shall be judicially noticed without further proof. R.S.O. 1960, c. 271, s. 11 (2), *amended.* Signing of orders

(3) *The Regulations Act* does not apply to the orders of the Board. R.S.O. 1960, c. 271, s. 11 (3). R.S.O. 1960, c. 349, not to apply

12. No authority given by the Board under this or any other Act shall be assigned without the leave of the Board. *New.* Assignment of authority

13.—(1) The Board has in all matters within its jurisdiction authority to hear and determine all questions of law and fact. Power to determine law and fact

(2) Subject to subsection 2 of section 35, where a proceeding before the Board is commenced by the filing of an application, the Board shall proceed by order. R.S.O. 1960, c. 271, s. 12 (1), *amended.* Applications

(3) Where a proceeding before the Board is commenced by a reference to the Board by the Minister, the Board shall proceed in accordance with the reference. References

(4) Where a proceeding before the Board is commenced by requirement of the Lieutenant Governor in Council, the Board shall proceed in accordance with the requirement. *New.* Orders in council

(5) The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this or any other Act. R.S.O. 1960, c. 271, s. 12 (2). Jurisdiction exclusive

14. The Board for the due exercise of its jurisdiction and powers and otherwise for carrying into effect this or any other Act has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. R.S.O. 1960, c. 271, s. 13. Powers of Supreme Court exercisable by Board

15.—(1) The Board may at any time on its own motion and without a hearing approve the form of a document or Board's powers, miscellaneous

give directions or require the preparation of evidence incidental to the exercise of the powers conferred upon the Board by this or any other Act.

ex parte orders

(2) The Board, if it is satisfied that the special circumstances of the case so require or that the delay necessary to give notice of an application might entail serious mischief, may make an *ex parte* order respecting the practice and procedure in any proceeding before it. *New.*

Hearings

(3) Subject to subsections 1 and 2 of this section, subsection 5 of section 19, subsection 2 of section 22, section 23 and subsection 2 of section 37 of this Act and to subsection 2 of section 6 of *The Energy Act, 1964*, the Board shall not make any order or proceed in accordance with any reference or order in council under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs.

1964, c. ...

Hearings, public

(4) All hearings and *ex parte* proceedings before the Board shall be open to the public. R.S.O. 1960, c. 271, s. 14 (1, 2), *amended.*

place of

(5) The Board may hear any application or deal with any matter at any place in Ontario that it appoints. R.S.O. 1960, c. 271, s. 14 (3).

use of court house

(6) Where sittings of the Board are to be held in a municipality in which a court house is situate, the Board and its members have in all respects the same authority and right as a judge of the Supreme Court with respect to the use of the court house and any part thereof and of other buildings and rooms set aside in the municipality for the administration of justice.

use of municipal hall

(7) Where sittings of the Board are to be held in a municipality in which there is a hall belonging to the corporation thereof, but no court house, the corporation shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for such purpose. *New.*

adjournment and interim orders

(8) The Board may adjourn any hearing from time to time and may make interim orders pending the final disposition of the matter before it. R.S.O. 1960, c. 271, s. 14 (4).

Terms and conditions of orders

16. The Board in making an order may impose such terms and conditions as it deems proper, and an order may be general or particular in its application. R.S.O. 1960, c. 271, s. 14 (5).

17.—(1) Where an application has been opposed, the Board shall prepare written reasons for its decision. Reasons for decision

(2) Where an application has been unopposed, the Board may, and at the request of the applicant shall, prepare written reasons for its decision. Idem

(3) All written reasons of the Board shall be kept by the secretary or an assistant secretary and made available to any person upon payment of the prescribed fee. R.S.O. 1960, c. 271, s. 14 (6), *amended*. Idem

18. An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order. R.S.O. 1960, c. 271, s. 16. Obedience to orders of Board a good defence

19.—(1) Subject to the regulations, the Board may make orders approving or fixing just and reasonable rates and other charges for the sale of gas by transmitters, distributors and storage companies, and for the transmission, distribution and storage of gas. R.S.O. 1960, c. 271, s. 17 (1). Rates

(2) Notwithstanding anything to the contrary, the Board may dispense with the determination of a rate base, Where rate base may be dispensed with

(*a*) in the case of a transmitter, distributor or storage company that has been carrying on business by itself and by its predecessor, if any, for less than two years;

(*b*) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and will not materially affect the revenues and expenditures of the transmitter, distributor or storage company; or

(*c*) in the case of an order under subsection 8 of section 15 or subsection 5 of this section. 1961-62, c. 91, s. 1 (1).

(3) Subject to the regulations, no transmitter, distributor or storage company shall sell gas or charge for the transmission, distribution or storage of gas except in accordance with an order of the Board, which is not bound by the terms of any contract entered into prior to the day upon which this Act comes into force. R.S.O. 1960, c. 271, s. 17 (2). Prohibition as to sale, etc., of gas

(4) Subject to subsection 6, at any hearing with respect to rates or other charges for the sale, transmission, distribution or storage of gas, the burden of proof is on the applicant. Burden of proof

Interim rate orders

(5) The Board may, at the request of any applicant, without a hearing, make one or more orders under subsection 1, each effective for a period of not more than one year, pending a final disposition of the application,

(*a*) where the rates or other charges proposed in the application are the initial rates or other charges for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company in the municipality or area named in the application;

(*b*) where, after notice of the application has been given in accordance with the regulations, no one has filed an answer within the time limited therefor;

(*c*) where the application is for approving or fixing prompt-payment discounts or delayed-payment penalties;

(*d*) where the transmitter, distributor or storage company is selling, transmitting, distributing or storing gas, as the case may be, at a loss; or

(*e*) where the application does not contain a request for an increase in the rates or other charges then being charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company.

Idem

(6) The Board of its own motion may, and upon the request of the Lieutenant Governor in Council shall, hold a hearing for the purpose of inquiring into and determining whether any of the rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, and may, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be. 1961-62, c. 91, s. 1 (2), *amended*.

Where section does not apply

R.S.O. 1960, c. 335

(7) This section does not apply to any municipality or municipal public utility commission transmitting or distributing gas under *The Public Utilities Act*. *New*.

Prohibition

20. No person shall inject gas for storage into a geological formation unless the geological formation is within a designated gas storage area and unless, in the case of gas storage areas designated after the 31st day of January, 1962, authorization so to do has been obtained under section 21 or its predecessor. 1961-62, c. 40, s. 2 (4), *amended*.

21.—(1) The Board by order may authorize a person to inject gas into, store gas in and remove gas from a designated gas storage area, and to enter into and upon the land in the area and use the land for such purposes. R.S.O. 1960, c. 271, s. 19 (1), *amended.*

Authority to store

(2) Subject to any agreement with respect thereto, the person authorized by an order under subsection 1,

Right to compensation

(*a*) shall make to the owners of any gas or oil rights or of any right to store gas in the area fair, just and equitable compensation in respect of such gas or oil rights or such right to store gas; and

(*b*) shall make to the owner of any land in the area fair, just and equitable compensation for any damage necessarily resulting from the exercise of the authority given by such order. R.S.O. 1960, c. 271, s. 19 (2).

(3) No action or other proceeding lies in respect of such compensation and, failing agreement, the amount thereof shall be determined by the Board, and *The Arbitrations Act* does not apply. R.S.O. 1960, c. 271, s. 19 (3), *amended.*

Recovery of compensation

R.S.O. 1960, c. 18

(4) For the purposes of subsection 3 of section 10 of *The Expropriation Procedures Act, 1962-63*, this section shall be deemed to be section 19 of *The Ontario Energy Board Act* referred to therein. *New.*

Determination of compensation

1962-63, c. 43

R.S.O. 1960, c. 271

22.—(1) Upon the application of a transmitter or distributor, the board, by order, may direct a storage company having storage capacity and facilities that are not in full use to provide all or part of such storage capacity and facilities for the applicant upon such terms and conditions as are determined by the Board.

Allocation of surplus storage facilities

(2) No storage company shall on or after the day on which this Act comes into force enter into agreement or renew any agreement with a transmitter or distributor with respect to the storage of gas unless the terms and conditions of the agreement or renewal have first been approved by the Board with or without a hearing. *New.*

Gas storage agreements to be approved

23. The Minister shall refer every application for a permit to bore, drill or deepen a well in a designated gas storage area to the Board, and the Board shall report to the Minister thereon, but, where the applicant does not have authority to store gas in the area or where, in the opinion of the Board, the special circumstances of the case so require, the Board

Applications to drill well to be referred to Board

shall hold a hearing before reporting to the Minister, and in either event the Minister shall grant or refuse to grant the permit in accordance with the report. *New.*

Allocation of market demand and joining interests in spacing units and pools

24. The Board by order may,

(*a*) allocate a just and equitable share of the market demands for gas or oil to the several sources from which such gas or oil is produced and to the several interests within a field or pool;

(*b*) require the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation; or

(*c*) require and regulate the joining of the various interests within a field or pool for the purpose of drilling or operating wells, the designation of management and the apportioning of the costs and the benefits of such drilling or operation. *New.*

Discontinuation of gas supply R.S.O. 1960, c. 335 1964, c. ...

25. Subject to *The Public Utilities Act* and to *The Energy Act, 1964*, and in the absence of an agreement to the contrary between the parties affected, no transmitter shall voluntarily discontinue transmitting gas to a distributor without the leave of the Board, and no distributor shall voluntarily discontinue distributing gas by pipe line to a consumer without the leave of the Board. R.S.O. 1960, c. 271, s. 21, *amended.*

Payment out of Fund

26. The Board may order the payment of money out of the Abandoned Works Fund under *The Energy Act, 1964.* R.S.O. 1960, c. 271, s. 20.

Practice and procedure

27. Subject to the approval of the Lieutenant Governor in Council, the Board may make rules regulating its practice and procedure. R.S.O. 1960, c. 271, s. 22.

Costs

28.—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

Idem

(2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Idem

(3) The Board may prescribe a scale under which such costs shall be taxed.

Idem

(4) In this section, the costs may include the costs of the Board, regard being had to the time and expenses of the Board. R.S.O. 1960, c. 271, s. 23.

29.—(1) A certified copy of any order made by the Board, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such. R.S.O. 1960, c. 271, s. 15 (1), *amended.* Enforcement of orders

(2) Any order so filed may be rescinded or varied by the Board at any time in the manner provided in section 30. Effect of filing

(3) An order of the Board requiring a person to pay money to the Board, to any party to a proceeding before the Board or to any other person as costs or otherwise may be enforced by a written direction from the Board to the sheriff of any county or district endorsed upon or annexed to a certified copy of the order. Direction to sheriff

(4) The sheriff receiving such a direction shall levy the amount named therein with his costs and expenses in like manner and with the same power as if the endorsed order were an execution issued out of the Supreme Court against the goods of the person named in the order, and the order so endorsed constitutes a lien and charge upon the property, real or personal, or the interest therein of the person named in the order, that is situate in such county or district to the same extent and in the same manner as the property would be bound by the filing with the sheriff of an execution issued after judgment of the Supreme Court. Effect of direction

(5) Where the person named in any such order holds lands or any interest therein that is registered in a land titles office, the Board may register a certified copy of the order with the proper master of titles, and, when so registered, it constitutes a lien and charge upon the land to the same extent and in the same manner as an execution issued after judgment in the Supreme Court and registered with the proper master of titles. Land titles

(6) The amount ordered to be paid by any order registered under subsection 5 may be realized in the same manner and by the same proceedings *mutatis mutandis* as the amount of any registered execution of the Supreme Court. R.S.O. 1960, c. 271, s. 15 (2-6). Idem

30. The Board may at any time and from time to time rehear or review any application before deciding it, and may by order rescind or vary any order made by it. R.S.O. 1960, c. 271, s. 24, *amended.* Power to review

31.—(1) The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon Stated case

such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Idem

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon. R.S.O. 1960, c. 271, s. 26.

Appeal to Court of Appeal

32.—(1) An appeal lies to the Court of Appeal from any order of the Board upon a question of law or jurisdiction, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.

Board may be heard

(2) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Board to act on Court's opinion

(3) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion, but in no case shall such order be retroactive in its effect.

Costs, rules of practice

(4) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and make rules of practice respecting such appeals, but, until such rules are made, the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section.

Board not liable for costs

(5) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section.

Order to take effect notwithstanding appeal

(6) Every order made under section 19 takes effect at the time prescribed in the order, and its operation is not suspended by an appeal. R.S.O. 1960, c. 271, s. 27.

Lieutenant Governor in Council may confirm, vary or rescind orders

33.—(1) Upon the petition of any party or person interested, filed with the clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may,

(*a*) confirm, vary or rescind the whole or any part of such order or decision; or

(*b*) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section. R.S.O. 1960, c. 271, s. 25, *amended.*

(2) For the purposes of this section, the date of every order heretofore made by the Board shall be deemed to be the date this Act comes into force. *New.* Orders of Board heretofore made

34.—(1) Every person who contravenes any provision of this Act or the regulations or any order of the Board is guilty of an offence and on summary conviction is liable to a fine of not less than $200 and not more than $2,000 for each day over which the offence continues or to imprisonment for a term of not more than two years less a day, or to both. Offences

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed in the regulations. R.S.O. 1960, c. 271, s. 38, *amended.* Permission of the Minister

35.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(*a*) limiting, restricting or taking away any rights to use or consume natural gas without charge or at a reduced rate;

(*b*) requiring the Board to approve or fix rates or other charges under section 19; R.S.O. 1960, c. 271, s. 28, cls. (*a*, *b*).

(*c*) providing for compensation procedure for the owners of gas or oil rights and the rights to store gas and for the owners of land who are referred to in subsection 2 of section 21; R.S.O. 1960, c. 271, s. 28, cl. (*e*), *amended.*

(*d*) prescribing the duties of the secretary, assistant secretary and officers of the Board;

(*e*) prescribing forms and providing for their use;

(*f*) prescribing fees payable to the Board for certified copies of documents, reasons for decisions and in connection with proceedings before the Board; R.S.O. 1960, c. 271, s. 28, cls. (*f-h*).

(*g*) requiring and providing for the making of returns, statements or reports concerning energy by any person;

(*h*) prescribing classes of gas transmitters, distributors and storage companies;

(*i*) respecting the manner in which the accounts of gas transmitters, distributors and storage companies are to be kept:

(*j*) prescribing a uniform system of accounts applicable to any of the classes of gas transmitters, distributors or storage companies;

(*k*) upon the recommendation of the Board, designating any area as a gas storage area; *New.*

(*l*) exempting any person from the operation of or compliance with any provision of this Act;

(*m*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 271, s. 28, cls. (*i*, *k*).

Gas storage areas

(2) An application for a regulation designating a gas storage area shall be made to the Board, which shall hold a hearing thereon and make its recommendation to the Lieutenant Governor in Council. *New.*

References

36. The Lieutenant Governor in Council may require the Board to examine and report on any question respecting energy that, in the opinion of the Lieutenant Governor in Council, requires a public hearing. R.S.O. 1960, c. 271, s. 28, cl. (*j*), *amended.*

PART II

PIPE LINES

Leave to construct a transmission line

37.—(1) No person shall construct a transmission line without first obtaining from the Board an order granting leave to construct the transmission line. R.S.O. 1960, c. 122, s. 11, *amended.*

Exception

(2) The Board may, if in its opinion the special circumstances of a particular case so require, without a hearing exempt a person from the requirements of subsection 1. *New.*

Leave to construct in other cases

38. Any person may, before he constructs a production line, distribution line or station, apply to the Board for an order granting leave to construct the production line, distribution line or station. *New.*

39.—(1) An applicant for an order granting leave to construct a transmission line, production line, distribution line or a station shall file with his application a map showing the general location of the proposed line or station and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed line is to pass. Route map

(2) Notice of the application shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture, the Department of Municipal Affairs, the Department of Highways and such persons as the Board directs. R.S.O. 1960, c. 122, s. 12 (1, 2), *amended.* Notice of application

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after the giving of notice of the application and shall set forth the grounds upon which such objection is based. Objections

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection. R.S.O. 1960, c. 122, s. 12 (3, 4). Reply

(5) Where an application is opposed, it shall not be heard for at least thirty days after the day on which it was filed with the Board. Hearing

(6) Where an application is unopposed, it shall not be heard for at least fourteen days after the day on which it was filed with the Board. R.S.O. 1960, c. 122, s. 12 (5), *amended.* Idem

(7) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2. Notice of hearing

(8) Where after the hearing the Board is of the opinion that the construction of the proposed line or station is in the public interest, it may make an order granting leave to construct the line or station. Power to grant leave

(9) Leave to construct the line or station shall not be granted until the applicant satisfies the Board that it has offered or will offer to each landowner an agreement in a form approved by the Board. Agreements

(10) Any person to whom the Board has granted leave to construct a line or station, his officers, employees and agents, may enter into or upon any land at the intended location of any part of the line or station and may make such surveys and examinations as are necessary for fixing the site of the line Right to enter land

or station, and, failing agreement, any damages resulting therefrom shall be determined in the manner provided in section 41. R.S.O. 1960, c. 122, s. 12 (6-8, 10), *amended.*

Expropriation

40.—(1) Any person who has leave to construct a line or station under this Part or a predecessor of this Part may apply to the Board for authority to expropriate land for the purposes of the line or station, and the Board shall thereupon set a date for the hearing of such application, and such date shall be not fewer than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land. R.S.O. 1960, c. 122, s. 13 (1), *amended.*

Procedure

(2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board directs.

Power to make order

(3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. R.S.O. 1960, c. 122, s. 13 (2, 3).

1962-63, c. 43, to apply

(4) Any person who is authorized under this section to expropriate land, and who desires so to do, shall do so in the manner set out in *The Expropriation Procedures Act, 1962-63*, and that Act applies to every such expropriation. *New.*

Compensation

41.—(1) The applicant shall make to the owner of land acquired by expropriation under this Part, or any predecessor thereof, due compensation for the land and for any damages resulting from the exercise of such power.

Determination of amount

R.S.O. 1960, c. 18

(2) No action or other proceeding lies in respect of such compensation, and, failing agreement between the applicant and the owner, the amount thereof shall be determined in the manner provided in this section, and *The Arbitrations Act* does not apply. R.S.O. 1960, c. 122, s. 14 (1, 2), *amended.*

Board of arbitration

(3) The Minister shall appoint one or more persons as a board of arbitration to determine in a summary manner the amount of such compensation.

Chairman

(4) Where the board of arbitration is composed of more than one person, the Minister shall designate one of them as chairman.

Procedure

(5) The Lieutenant Governor in Council may make regulations governing the practice and procedure of the board of

arbitration, and, until such regulations are made, the practice and procedure of the Ontario Municipal Board apply to any arbitration under this section.

(6) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members fails to agree upon any matter, the decision of the chairman upon such matter is the decision of the board. Decision

(7) An appeal lies to the Ontario Municipal Board from an award of the board of arbitration. Appeal

(8) Notice of an appeal under this section shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, allows. Notice of appeal

(9) The hearing of an appeal under this section shall be a hearing *de novo*, and *The Ontario Municipal Board Act* applies thereto. Nature of appeal R.S.O. 1960, c. 274

(10) An appeal within the meaning of section 95 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case that section applies. R.S.O. 1960, c. 122, s. 14 (3-10). Further appeal

(11) For the purposes of subsection 2 of section 10 of *The Expropriation Procedures Act, 1962-63*, Determination of compensation 1962-63, c. 43

(*a*) an applicant under this Part shall be deemed to be a corporation; and

(*b*) this section shall be deemed to be section 14 of *The Energy Act*, being chapter 122 of the Revised Statutes of Ontario, 1960. *New.*

42.—(1) Any person who has leave to construct a line may apply to the Board for authority to construct it upon, under or over a highway, utility line or ditch. Crossings with leave

(2) The procedure set forth in subsections 1 and 2 of section 40 applies *mutatis mutandis* to an application under this section. Procedure

(3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, Order

utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the applicant so to do upon such terms and conditions as it considers proper. R.S.O. 1960, c. 122, s. 15, *amended*.

Right to compensation for damages during construction

43. Any person who has acquired land for the purposes of his line or station by agreement with the owner of the land shall make to the owner of the land due compensation for any damages resulting from the exercise of his rights under the agreement, and, if the compensation is not agreed upon by them, it shall be determined in the manner prescribed by section 37. R.S.O. 1960, c. 122, s. 16, *amended*.

Right of entry and compensation

44. Any person, his servants or agents, who,

(*a*) require at any time to enter upon any land to gain access to his right-of-way established under this Part, or a predecessor thereof, for the purpose of maintaining, repairing, renewing or removing his line or part of it;

(*b*) require at any time to enter upon any land to gain access directly to his pipe line or any part thereof for the purpose of effecting emergency repairs to his pipe line,

have the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by such person and the owner of the land, shall be determined in the manner prescribed by section 37. R.S.O. 1960, c. 122, s. 17, *amended*.

Board's decision final

45. The decision of the Board on any application to it under this Part is final and conclusive. R.S.O. 1960, c. 122, s. 18.

Where R.S.O. 1960, c. 335, s. 58, not to apply

46. Where leave to construct a line has been granted under this Part, section 58 of *The Public Utilities Act* does not apply to such line. R.S.O. 1960, c. 122, s. 19 (2).

Inspectors

1961-62, c. 121

47.—(1) One or more inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Part.

Idem

(2) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations prescribing the duties of such inspectors. R.S.O. 1960, c. 122, s. 20.

PART III

ENERGY RETURNS OFFICER

48.—(1) There may be appointed under *The Public Service Act, 1961-62* an officer known as the Energy Returns Officer who shall assist the Board. R.S.O. 1960, c. 271, s. 29 (1), *amended.* Energy Returns Officer 1961-62, c. 121

(2) The staff of the Energy Returns Officer shall consist of such deputy officers and employees as are deemed necessary. Staff

(3) Neither the Energy Returns Officer nor any of his staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duties. Information privileged

(4) Neither the Energy Returns Officer nor any of his staff is personally liable for anything done by him under the authority of this Act or the regulations. No persona liability

(5) The Energy Returns Officer and every deputy officer has, for the purposes of this Act and the regulations, the same powers as a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 271, s. 29 (2-4, 6). May take oaths

49. The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Energy Returns Officer and to assist the Energy Returns Officer in any capacity. R.S.O. 1960, c. 271, s. 30. Assistance

50. The Energy Returns Officer may for the purposes of this Act and the regulations, by registered letter or by a demand served personally, require from any gas transmitter, distributor, storage company or associate any information relating to the business of transmitting, distributing or storing gas or transactions with gas transmitters, distributors or storage companies, or further explanation or details of such information or the production, or the production on oath, of any document or record connected with the business of transmitting, distributing or storing gas within such reasonable time as is stipulated in such letter. R.S.O. 1960, c. 271, s. 31. Production of documents, etc.

51. When authorized in writing by the chairman of the Board in the form prescribed by the regulations, the Energy Returns Officer and every other person so authorized may, for the purposes of this Act and the regulations, at all reasonable times, enter into any premises or place where any gas Power to enter, etc.

transmitter, distributor, storage company or associate is carrying on business or keeps any document or record connected with the business of transmitting, distributing or storing gas, or connected with any transaction with a gas transmitter, distributor or storage company, or does or has done anything to any such document or record, and may examine any such document or record, and may conduct audits, and may require any such gas transmitter, distributor, storage company or associate or its officers or directors to give all reasonable assistance with such examination or audit and to answer all proper questions relating to the examination or audit, either orally or in writing, on oath or by statutory declaration, and may, upon giving a receipt therefor, remove any such document or record from such premises or place for the purpose of photocopying such document or record, provided that such photocopying is carried out with reasonable dispatch and such document or record is immediately thereafter returned to such gas transmitter, distributor, storage company or associate and the return thereof is acknowledged in writing. R.S.O. 1960, c. 271, s. 32.

Notifying Board

52. The Energy Returns Officer shall notify the Board of all matters he thinks relevant to Board proceedings or possible future Board proceedings. R.S.O. 1960, c. 271, s. 34.

Witnesses

53.—(1) The Energy Returns Officer, any deputy officer, any person authorized by the chairman of the Board in writing under section 51 and any inspector may be called as a witness by the Board. R.S.O. 1960, c. 271, s. 35 (1), *amended.*

No privilege

(2) No document, record or photocopy thereof in the hands of the Energy Returns Officer shall be excluded as evidence on the ground of privilege.

Owner to be party

(3) No document, record or photocopy thereof or any return made under this Part in the hands of the Energy Returns Officer shall be introduced in evidence in any proceeding unless the owner of the document or record or the maker of the return is a party to that proceeding or an associate of a party to that proceeding. R.S.O. 1960, c. 271, s. 35 (2, 3).

Information confidential

54.—(1) All information and material furnished to or received or obtained by the Energy Returns Officer, his deputy officers and employees or any person authorized by the chairman of the Board in writing under section 51 is confidential.

Idem

(2) No person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of any such material.

(3) Every person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 271, s. 36. Offence

(4) No information may be laid under this section without the written permission of the Minister in the form prescribed in the regulations. R.S.O. 1960, c. 271, s. 38 (2), *amended*. Permission of the Minister

55. No document, record or photocopy thereof or any return made under this Part is admissible in evidence in any proceeding except proceedings respecting an order of the Board or in summary proceedings with respect to offences under section 34. R.S.O. 1960, c. 271, s. 37, *amended*. Not evidence in certain proceedings

PART IV

MISCELLANEOUS AND TRANSITIONAL

56.—(1) In the event of conflict between this Act and any other general or special Act, this Act prevails. Conflict

(2) This Act and the regulations prevail over any by-law passed by a municipality. Idem

57.—(1) Every order and decision made under, Existing orders adopted

(*a*) *The Fuel Supply Act*, being chapter 152 of the Revised Statutes of Ontario, 1950;

(*b*) *The Natural Gas Conservation Act*, being chapter 251 of the Revised Statutes of Ontario, 1950;

(*c*) *The Well Drillers Act*, being chapter 423 of the Revised Statutes of Ontario, 1950;

(*d*) *The Ontario Fuel Board Act, 1954*; 1954, c. 63

(*e*) *The Ontario Energy Board Act, 1960*; or 1960, c. 75

(*f*) *The Ontario Energy Board Act*, being chapter 271 of the Revised Statutes of Ontario, 1960,

that were in force on the day this Act came into force shall be deemed to have been made by the Board under this Act.

Applications pending before Ontario Fuel Board

(2) Every application that was pending before the Ontario Fuel Board on the 31st day of August, 1960, shall be deemed to be an application before the Ontario Energy Board under this Act. R.S.O. 1960, c. 271, s. 40 (1, 2), *amended.*

References to Ontario Fuel Board

(3) Any reference in any Act to the Ontario Fuel Board shall be deemed to be a reference to the Ontario Energy Board. R.S.O. 1960, c. 271, s. 40 (3).

R.S.O. 1960, c. 271; 1960-61, c. 64; 1961-62, c. 91, repealed

58. *The Ontario Energy Board Act, The Ontario Energy Board Amendment Act, 1960-61* and *The Ontario Energy Board Amendment Act, 1961-62* are repealed.

Commencement

59. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

60. This Act may be cited as *The Ontario Energy Board Act, 1964.*

The Ontario Energy Board Act, 1964

1st Reading

February 24th, 1964

2nd Reading

3rd Reading

MR. SIMONETT

1964

BILL 47

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Ontario Energy Board Act, 1964

MR. SIMONETT

(Reprinted as amended by the Committee on Government Commissions)

TORONTO
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Explanatory Notes

Both *The Ontario Energy Board Act* and *The Energy Act* are being revised and up-dated in the light of experience in order to improve administration.

Section 1 is now self-contained, and therefore there is no need to refer to *The Energy Act, 1964* for the meaning of expressions used in *The Ontario Energy Board Act, 1964.*

The provisions respecting pipe lines and a number of other provisions have been transferred from *The Energy Act* for greater convenience.

In addition, the following changes are of interest:

1. The powers of the Board are clarified. For example, see sections 13, 15, 19 and 23.

2. The provisions with respect to the storage of gas are strengthened. See sections 20, 21 and 22.

3. The appeal to the Lieutenant Governor in Council from orders and decisions of the Board is brought into line with similar appeals from orders of the Ontario Municipal Board, thus bringing about uniformity of practice and procedure in these matters. See section 33.

4. The pipe line provisions are broadened to deal expressly with pipe line stations. See section 1, paragraph 16, and section 37 and following.

BILL 47 **1964**

The Ontario Energy Board Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

1. "associate" means a person, whether directly or indirectly through one or more intermediaries,

   i. who has the power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company,

   ii. whose management and policies any gas transmitter, distributor or storage company has the power to direct or to cause to be directed,

   iii. whose management and policies any other person has the power to direct or to cause to be directed, provided that such other person has such power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company;

2. "Board" means the Ontario Energy Board;

3. "distributor" means a person who supplies gas or fuel oil to a consumer, and "distribute" and "distribution" have corresponding meanings;

4. "fuel oil" means a hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 100°F.;

5. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;

6. "hydrocarbon" means a chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;

7. "land" includes any interest in land;

8. "manufactured gas" includes a mixture of liquefied petroleum gas and air distributed by pipe line;

9. "Minister" means the Minister of Energy and Resources Management;

10. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;

11. "owner" includes a person who is a mortgagee, lessee, tenant and occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;

R.S.O. 1960, c. 191

12. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;

13. "pipe line" means a pipe that carries a hydrocarbon, other than undiluted liquefied petroleum gas, and includes every part thereof and adjunct thereto;

14. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;

15. "regulations" means the regulations made under this Act;

16. "station" means a compressor station, a metering station, an odorizing station or a regulating station;

17. "storage company" means a person engaged in the business of storing gas;

18. "transmission line" means a pipe line, other than a production line, a distribution line, a pipe line within an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal or station;

19. "transmitter" means a person who carries a hydrocarbon by transmission line, and "transmit" and "transmission" have corresponding meanings;

20. "utility line" means a pipe line, a telephone, telegraph, electric power or water line, or any other line that supplies a service or commodity to the public;

21. "well" means a well drilled or bored for gas or oil, and includes a hole drilled or bored for obtaining sub-surface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well;

22. "work" means a well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil, or the transmission of a hydrocarbon or the manufacture of gas. R.S.O. 1960, c. 271, s. 1, *amended.*

PART I

THE BOARD

2.—(1) The Ontario Energy Board shall continue to consist of not fewer than three and not more than five members as the Lieutenant Governor in Council may from time to time determine. Board, composition

(2) The members of the Board shall be appointed by the Lieutenant Governor in Council, and one of them shall be designated chairman and one or more of them may be designated vice-chairmen. appointment

(3) Vacancies in the membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council. vacancies

(4) Two members of the Board form a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board whether or not a vacancy in the membership of the Board exists. R.S.O. 1960, c. 271, ss. 2-4, *amended.* quorum

Secretary
1961-62, c. 121

3.—(1) A secretary of the Board and such assistant secretaries as are deemed necessary may be appointed under *The Public Service Act, 1961-62.* R.S.O. 1960, c. 271, s. 6 (1), *amended.*

Acting secretary

(2) Where the office of secretary is vacant or in his absence or inability to act, the Board may designate a member of the Board or an assistant secretary to act *pro tempore* as secretary. R.S.O. 1960, c. 271, s. 6 (3).

Staff

4. The staff of the Board shall consist of such officers and employees as are deemed necessary. R.S.O. 1960, c. 271, s. 6 (4).

Power to administer oaths

5. Every member of the Board and its secretary has, for the purposes of this Act and every other Act under which the Board functions, the same powers as a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 271, s. 5.

Protection from being called as witnesses

6.—(1) No member of the Board or its secretary or any of its staff shall be required to give testimony in any proceedings with regard to information obtained by him in the discharge of his official duties.

Protection from personal liability

(2) No member of the Board or its secretary or any of its staff is personally liable for anything done by it or by him under the authority of this or any other Act. R.S.O. 1960, c. 271, s. 7.

Certified copies

7. Upon application of any person and upon payment of the prescribed fee, a member of the Board or the secretary shall certify and deliver to such person a true copy of any order or reasons for decision of the Board. R.S.O. 1960, c. 271, s. 8, *amended.*

Assistance

8. The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it. R.S.O. 1960, c. 271, s. 9.

Annual report

9.—(1) The Board shall make a report annually to the Minister containing such information as the Minister requires.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 271, s. 39, *amended.*

Money

10. The moneys required for the purposes of the Board shall be paid out of the moneys that are appropriated therefor by the Legislature. R.S.O. 1960, c. 271, s. 10.

11.—(1) The Board shall adopt an official seal. R.S.O. 1960, c. 271, s. 11 (1). Seal

(2) All orders made by the Board shall be signed by the chairman, a vice-chairman, the secretary or an assistant secretary and sealed with the seal of the Board, and, when purporting to be so signed and sealed, shall be judicially noticed without further proof. R.S.O. 1960, c. 271, s. 11 (2), *amended.* Signing of orders

(3) *The Regulations Act* does not apply to the orders of the Board. R.S.O. 1960, c. 271, s. 11 (3). R.S.O. 1960, c. 349, not to apply

12. No authority given by the Board under this or any other Act shall be assigned without the leave of the Board. *New.* Assignment of authority

13.—(1) The Board has in all matters within its jurisdiction authority to hear and determine all questions of law and of fact. Power to determine law and fact

(2) Subject to subsection 2 of section 35, where a proceeding before the Board is commenced by the filing of an application, the Board shall proceed by order. R.S.O. 1960, c. 271, s. 12 (1), *amended.* Applications

(3) Where a proceeding before the Board is commenced by a reference to the Board by the Minister, the Board shall proceed in accordance with the reference. References

(4) Where a proceeding before the Board is commenced by requirement of the Lieutenant Governor in Council, the Board shall proceed in accordance with the requirement. *New.* Orders in council

(5) The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this or any other Act. R.S.O. 1960, c. 271, s. 12 (2) Jurisdiction exclusive

14. The Board for the due exercise of its jurisdiction and powers and otherwise for carrying into effect this or any other Act has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. R.S.O. 1960, c. 271, s. 13. Powers of Supreme Court exercisable by Board

15.—(1) The Board may at any time on its own motion and without a hearing approve the form of a document or Board's powers, miscellaneous

give directions or require the preparation of evidence incidental to the exercise of the powers conferred upon the Board by this or any other Act.

ex parte orders

(2) The Board, if it is satisfied that the special circumstances of the case so require or that the delay necessary to give notice of an application might entail serious mischief, may make an *ex parte* order respecting the practice and procedure in any proceeding before it. *New.*

Hearings

(3) Subject to subsections 1 and 2 of this section, subsection 5 of section 19, subsection 2 of section 22, section 23 and subsection 2 of section 37 of this Act and to subsection 2 of section 6 of *The Energy Act, 1964*, the Board shall not make any order or proceed in accordance with any reference or order in council under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs.

1964, c. . . .

Proceedings, public

(4) Every proceeding before the Board shall be open to the public. R.S.O. 1960, c. 271, s. 14 (1, 2), *amended.*

place of

(5) The Board may hear any application or deal with any matter at any place in Ontario that it appoints. R.S.O. 1960, c. 271, s. 14 (3).

use of court house

(6) Where sittings of the Board are to be held in a municipality in which a court house is situate, the Board and its members have in all respects the same authority and right as a judge of the Supreme Court with respect to the use of the court house and any part thereof and of other buildings and rooms set aside in the municipality for the administration of justice.

use of municipal hall

(7) Where sittings of the Board are to be held in a municipality in which there is a hall belonging to the corporation thereof, but no court house, the corporation shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for such purpose. *New.*

adjournment and interim orders

(8) The Board may adjourn any proceeding from time to time and may make interim orders pending the final disposition of the matter before it. R.S.O. 1960, c. 271, s. 14 (4), *amended.*

Terms and conditions of orders

16. The Board in making an order may impose such terms and conditions as it deems proper, and an order may be general or particular in its application. R.S.O. 1960, c. 271, s. 14 (5).

17.—(1) Where an application has been opposed, the Board shall prepare written reasons for its decision. Reasons for decision

(2) Where an application has been unopposed, the Board may, and at the request of the applicant shall, prepare written reasons for its decision. Idem

(3) All written reasons of the Board shall be kept by the secretary or an assistant secretary and made available to any person upon payment of the prescribed fee. R.S.O. 1960, c. 271, s. 14 (6), *amended.* Idem

18. An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order. R.S.O. 1960, c. 271, s. 16. Obedience to orders of Board a good defence

19.—(1) Subject to the regulations, the Board may make orders approving or fixing just and reasonable rates and other charges for the sale of gas by transmitters, distributors and storage companies, and for the transmission, distribution and storage of gas. R.S.O. 1960, c. 271, s. 17 (1). Rates

(2) Notwithstanding anything to the contrary, the Board may dispense with the determination of a rate base, Where rate base may be dispensed with

(*a*) in the case of a transmitter, distributor or storage company that has been carrying on business by itself and by its predecessor, if any, for less than two years;

(*b*) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and will not materially affect the revenues and expenditures of the transmitter, distributor or storage company; or

(*c*) in the case of an order under subsection 8 of section 15 or subsection 5 of this section. 1961-62, c. 91, s. 1 (1).

(3) Subject to the regulations, no transmitter, distributor or storage company shall sell gas or charge for the transmission, distribution or storage of gas except in accordance with an order of the Board, which is not bound by the terms of any contract entered into prior to the day upon which this Act comes into force. R.S.O. 1960, c. 271, s. 17 (2). Prohibition as to sale, etc., of gas

(4) Subject to subsection 6, at any hearing with respect to rates or other charges for the sale, transmission, distribution or storage of gas, the burden of proof is on the applicant. Burden of proof

Interim rate orders

(5) The Board may, at the request of any applicant, without a hearing, make one or more orders under subsection 1, each effective for a period of not more than one year, pending a final disposition of the application,

(*a*) where the rates or other charges proposed in the application are the initial rates or other charges for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company in the municipality or area named in the application;

(*b*) where, after notice of the application has been given in accordance with the regulations, no one has filed an answer within the time limited therefor;

(*c*) where the application is for approving or fixing prompt-payment discounts or delayed-payment penalties;

(*d*) where the transmitter, distributor or storage company is selling, transmitting, distributing or storing gas, as the case may be, at a loss; or

(*e*) where the application does not contain a request for an increase in the rates or other charges then being charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company.

Idem

(6) The Board of its own motion may, and upon the request of the Lieutenant Governor in Council shall, hold a hearing for the purpose of inquiring into and determining whether any of the rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, and shall, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be. 1961-62, c. 91, s. 1 (2), *amended.*

Where section does not apply

R.S.O. 1960, c. 335

(7) This section does not apply to any municipality or municipal public utility commission transmitting or distributing gas under *The Public Utilities Act. New.*

Prohibition

20. No person shall inject gas for storage into a geological formation unless the geological formation is within a designated gas storage area and unless, in the case of gas storage areas designated after the 31st day of January, 1962, authorization so to do has been obtained under section 21 or its predecessor. 1961-62, c. 40, s. 2 (4), *amended.*

21.—(1) The Board by order may authorize a person to inject gas into, store gas in and remove gas from a designated gas storage area, and to enter into and upon the land in the area and use the land for such purposes. R.S.O. 1960, c. 271, s. 19 (1), *amended.* Authority to store

(2) Subject to any agreement with respect thereto, the person authorized by an order under subsection 1, Right to compensation

(*a*) shall make to the owners of any gas or oil rights or of any right to store gas in the area fair, just and equitable compensation in respect of such gas or oil rights or such right to store gas; and

(*b*) shall make to the owner of any land in the area fair, just and equitable compensation for any damage necessarily resulting from the exercise of the authority given by such order. R.S.O. 1960, c. 271, s. 19 (2).

(3) No action or other proceeding lies in respect of such compensation, and, failing agreement, the amount thereof shall be determined by a board of arbitration in the manner prescribed in the regulations, and *The Arbitrations Act* does not apply. R.S.O. 1960, c. 271, s. 19 (3), *amended.* Recovery of compensation R.S.O. 1960, c. 18

(4) An appeal lies to the Ontario Municipal Board from an award of the board of arbitration. Appeal

(5) Notice of an appeal under subsection 4 shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, allows. Notice of appeal

(6) The hearing of an appeal under subsection 4 shall be a hearing *de novo*, and *The Ontario Municipal Board Act* applies thereto. Nature of appeal R.S.O. 1960, c. 274

(7) An appeal within the meaning of section 95 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case that section applies. R.R.O. 1960, Reg. 459, s. 5 (5-8), *amended.* Further appeal

(8) For the purposes of subsection 3 of section 10 of *The Expropriation Procedures Act, 1962-63*, this section shall be deemed to be section 19 of *The Ontario Energy Board Act* referred to therein. *New.* Determination of compensation 1962-63, c. 43 R.S.O. 1960, c. 271

Allocation of surplus storage facilities

22.—(1) Upon the application of a transmitter or distributor, the board, by order, may direct a storage company having storage capacity and facilities that are not in full use to provide all or part of such storage capacity and facilities for the applicant upon such terms and conditions as are determined by the Board.

Gas storage agreements to be approved

(2) No storage company shall on or after the day on which this Act comes into force enter into any agreement or renew any agreement with a transmitter or distributor with respect to the storage of gas unless,

(*a*) the parties to the agreement or renewal;

(*b*) the period for which the agreement or renewal is to be in operation; and

(*c*) the storage that is the subject of the agreement or renewal,

have first been approved by the Board with or without a hearing. *New.*

Applications to drill well to be referred to Board

23. The Minister shall refer every application for a permit to bore, drill or deepen a well in a designated gas storage area to the Board, and the Board shall report to the Minister thereon, but, where the applicant does not have authority to store gas in the area or where, in the opinion of the Board, the special circumstances of the case so require, the Board shall hold a hearing before reporting to the Minister, and in either event the Minister shall grant or refuse to grant the permit in accordance with the report. *New.*

Allocation of market demand and joining interests in spacing units and pools

24. The Board by order may,

(*a*) allocate a just and equitable share of the market demands for gas or oil to the several sources from which such gas or oil is produced and to the several interests within a field or pool;

(*b*) require the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation; or

(*c*) require and regulate the joining of the various interests within a field or pool for the purpose of drilling or operating wells, the designation of management and the apportioning of the costs and the benefits of such drilling or operation. *New.*

25. Subject to *The Public Utilities Act* and to *The Energy Act, 1964*, and in the absence of an agreement to the contrary between the parties affected, no transmitter shall voluntarily discontinue transmitting gas to a distributor without the leave of the Board, and no distributor shall voluntarily discontinue distributing gas by pipe line to a consumer without the leave of the Board. R.S.O. 1960, c. 271, s. 21, *amended*. Discontinuation of gas supply R.S.O. 1960, c. 335 1964, c. ...

26. The Board may order the payment of money out of the Abandoned Works Fund under *The Energy Act, 1964*. R.S.O. 1960, c. 271, s. 20. Payment out of Fund

27. Subject to the approval of the Lieutenant Governor in Council, the Board may make rules regulating its practice and procedure. R.S.O. 1960, c. 271, s. 22. Practice and procedure

28.—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed. Costs

(2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed. Idem

(3) The Board may prescribe a scale under which such costs shall be taxed. Idem

(4) In this section, the costs may include the costs of the Board, regard being had to the time and expenses of the Board. R.S.O. 1960, c. 271, s. 23. Idem

29.—(1) A certified copy of any order made by the Board, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such. R.S.O. 1960, c. 271, s. 15 (1), *amended*. Enforcement of orders

(2) Any order so filed may be rescinded or varied by the Board at any time in the manner provided in section 30. Effect of filing

(3) An order of the Board requiring a person to pay money to the Board, to any party to a proceeding before the Board or to any other person as costs or otherwise may be enforced by a written direction from the Board to the sheriff of any county or district endorsed upon or annexed to a certified copy of the order. Direction to sheriff

(4) The sheriff receiving such a direction shall levy the amount named therein with his costs and expenses in like manner and with the same power as if the endorsed order were an execution issued out of the Supreme Court against Effect of direction

the goods of the person named in the order, and the order so endorsed constitutes a lien and charge upon the property, real or personal, or the interest therein of the person named in the order, that is situate in such county or district to the same extent and in the same manner as the property would be bound by the filing with the sheriff of an execution issued after judgment of the Supreme Court.

Land titles

(5) Where the person named in any such order holds lands or any interest therein that is registered in a land titles office, the Board may register a certified copy of the order with the proper master of titles, and, when so registered, it constitutes a lien and charge upon the land to the same extent and in the same manner as an execution issued after judgment in the Supreme Court and registered with the proper master of titles.

Idem

(6) The amount ordered to be paid by any order registered under subsection 5 may be realized in the same manner and by the same proceedings *mutatis mutandis* as the amount of any registered execution of the Supreme Court. R.S.O. 1960, c. 271, s. 15 (2-6).

Power to review

30. The Board may at any time and from time to time rehear or review any application before deciding it, and may by order rescind or vary any order made by it. R.S.O. 1960, c. 271, s. 24, *amended*.

Stated case

31.—(1) The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Idem

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon. R.S.O. 1960, c. 271, s. 26.

Appeal to Court of Appeal

32.—(1) An appeal lies to the Court of Appeal from any order of the Board upon a question of law or jurisdiction, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.

Board may be heard

(2) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Board to act on Court's opinion

(3) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion, but in no case shall such order be retroactive in its effect.

(4) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and make rules of practice respecting such appeals, but, until such rules are made, the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section. Costs, rules of practice

(5) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. Board not liable for costs

(6) Every order made under section 19 takes effect at the time prescribed in the order, and its operation is not suspended by an appeal. R.S.O. 1960, c. 271, s. 27. Order to take effect notwithstanding appeal

33.—(1) Upon the petition of any party or person interested, filed with the clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may, Lieutenant Governor in Council may confirm, vary or rescind orders

(*a*) confirm, vary or rescind the whole or any part of such order or decision; or

(*b*) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section. R.S.O. 1960, c. 271, s. 25, *amended.*

(2) For the purposes of this section, the date of every order heretofore made by the Board shall be deemed to be the date this Act comes into force. *New.* Orders of Board heretofore made

34.—(1) Every person who contravenes any provision of this Act or the regulations or any order of the Board is guilty of an offence and on summary conviction is liable to a fine of not less than $200 and not more than $2,000 for each day over which the offence continues or to imprisonment for a term of not more than two years less a day, or to both. Offences

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed in the regulations. R.S.O. 1960, c. 271, s. 38, *amended.* Permission of the Minister

35.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(*a*) limiting, restricting or taking away any rights to use or consume gas without charge or at a reduced rate;

(*b*) requiring the Board to approve or fix rates or other charges under section 19;

(*c*) providing for compensation procedure for the owners of gas or oil rights and the rights to store gas and for the owners of land who are referred to in subsection 2 of section 21;

(*d*) prescribing the duties of the secretary, assistant secretary and officers of the Board;

(*e*) prescribing forms and providing for their use;

(*f*) prescribing fees payable to the Board;

(*g*) requiring and providing for the making of returns, statements or reports concerning energy by any person;

(*h*) prescribing classes of gas transmitters, distributors and storage companies;

(*i*) respecting the manner in which the accounts of gas transmitters, distributors and storage companies are to be kept;

(*j*) prescribing a uniform system of accounts applicable to any of the classes of gas transmitters, distributors or storage companies;

(*k*) upon the recommendation of the Board, designating any area as a gas storage area;

(*l*) exempting any person from the operation of or compliance with any provision of this Act;

(*m*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 271, s. 28, *amended*.

Gas storage areas

(2) An application for a regulation designating a gas storage area shall be made to the Board, which shall hold a hearing thereon and make its recommendation to the Lieutenant Governor in Council. *New*.

References

36. The Lieutenant Governor in Council may require the Board to examine and report on any question respecting energy that, in the opinion of the Lieutenant Governor in Council, requires a public hearing. R.S.O. 1960, c. 271, s. 28, cl. (*j*), *amended*.

PART II

PIPE LINES

37.—(1) No person shall construct a transmission line without first obtaining from the Board an order granting leave to construct the transmission line. R.S.O. 1960, c. 122, s. 11, *amended.* Leave to construct a transmission line

(2) The Board may, if in its opinion the special circumstances of a particular case so require, without a hearing exempt a person from the requirements of subsection 1. *New.* Exception

38. Any person may, before he constructs a production line, distribution line or station, apply to the Board for an order granting leave to construct the production line, distribution line or station. *New.* Leave to construct in other cases

39.—(1) An applicant for an order granting leave to construct a transmission line, production line, distribution line or a station shall file with his application a map showing the general location of the proposed line or station and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed line is to pass. Route map

(2) Notice of the application shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture, the Department of Municipal Affairs, the Department of Highways and such persons as the Board directs. R.S.O. 1960, c. 122, s. 12 (1, 2), *amended.* Notice of application

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after the giving of notice of the application and shall set forth the grounds upon which such objection is based. Objections

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection. R.S.O. 1960, c. 122, s. 12 (3, 4). Reply

(5) Where an application is opposed, it shall not be heard for at least thirty days after the day on which it was filed with the Board. Hearing

(6) Where an application is unopposed, it shall not be heard for at least fourteen days after the day on which it was filed with the Board. R.S.O. 1960, c. 122, s. 12 (5), *amended.* Idem

Notice of hearing

(7) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2.

Power to grant leave

(8) Where after the hearing the Board is of the opinion that the construction of the proposed line or station is in the public interest, it may make an order granting leave to construct the line or station.

Agreements

(9) Leave to construct the line or station shall not be granted until the applicant satisfies the Board that it has offered or will offer to each landowner an agreement in a form approved by the Board.

Right to enter land

(10) Any person to whom the Board has granted leave to construct a line or station, his officers, employees and agents, may enter into or upon any land at the intended location of any part of the line or station and may make such surveys and examinations as are necessary for fixing the site of the line or station, and, failing agreement, any damages resulting therefrom shall be determined in the manner provided in section 41. R.S.O. 1960, c. 122, s. 12 (6-8, 10), *amended.*

Expropriation

40.—(1) Any person who has leave to construct a line or station under this Part or a predecessor of this Part may apply to the Board for authority to expropriate land for the purposes of the line or station, and the Board shall thereupon set a date for the hearing of such application, and such date shall be not fewer than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land. R.S.O. 1960, c. 122, s. 13 (1), *amended.*

Procedure

(2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board directs.

Power to make order

(3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. R.S.O. 1960, c. 122, s. 13 (2, 3).

1962-63, c. 43, to apply

(4) Any person who is authorized under this section to expropriate land, and who desires so to do, shall do so in the manner set out in *The Expropriation Procedures Act, 1962-63*, and that Act applies to every such expropriation. *New.*

Compensation

41.—(1) The applicant shall make to the owner of land acquired by expropriation under this Part, or any predecessor of this Part, due compensation for the land and for any damages resulting from the exercise of such power.

(2) No action or other proceeding lies in respect of such compensation, and, failing agreement between the applicant and the owner, the amount thereof shall be determined in the manner provided in this section, and *The Arbitrations Act* does not apply. R.S.O. 1960, c. 122, s. 14 (1, 2), *amended*. Determination of amount R.S.O. 1960, c. 18

(3) The Minister shall appoint one or more persons as a board of arbitration to determine in a summary manner the amount of such compensation. Board of arbitration

(4) Where the board of arbitration is composed of more than one person, the Minister shall designate one of them as chairman. Chairman

(5) The Lieutenant Governor in Council may make regulations governing the practice and procedure of the board of arbitration, and, until such regulations are made, the practice and procedure of the Ontario Municipal Board apply to any arbitration under this section. Procedure

(6) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members fails to agree upon any matter, the decision of the chairman upon such matter is the decision of the board. Decision

(7) An appeal lies to the Ontario Municipal Board from an award of the board of arbitration. Appeal

(8) Notice of an appeal under this section shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, allows. Notice of appeal

(9) The hearing of an appeal under this section shall be a hearing *de novo*, and *The Ontario Municipal Board Act* applies thereto. Nature of appeal R.S.O. 1960, c. 274

(10) An appeal within the meaning of section 95 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case that section applies. R.S.O. 1960, c. 122, s. 14 (3-10). Further appeal

(11) For the purposes of subsection 2 of section 10 of *The Expropriation Procedures Act, 1962-63*, Determination of compensation 1962-63, c. 43

(*a*) an applicant under this Part shall be deemed to be a corporation; and

(*b*) this section shall be deemed to be section 14 of *The Energy Act*, being chapter 122 of the Revised Statutes of Ontario, 1960. *New.*

Crossings with leave

42.—(1) Any person who has leave to construct a line may apply to the Board for authority to construct it upon, under or over a highway, utility line or ditch.

Procedure

(2) The procedure set forth in subsections 1 and 2 of section 40 applies *mutatis mutandis* to an application under this section.

Order

(3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the applicant so to do upon such terms and conditions as it considers proper. R.S.O. 1960, c. 122, s. 15, *amended.*

Right to compensation for damages during construction

43. Any person who has acquired land for the purposes of his line or station by agreement with the owner of the land shall make to the owner of the land due compensation for any damages resulting from the exercise of his rights under the agreement, and, if the compensation is not agreed upon by them, it shall be determined in the manner prescribed by section 41. R.S.O. 1960, c. 122, s. 16, *amended.*

Right of entry and compensation

44. Any person, his servants or agents, who,

(*a*) require at any time to enter upon any land to gain access to his right-of-way established under this Part, or a predecessor thereof, for the purpose of maintaining, repairing, renewing or removing his line or part of it;

(*b*) require at any time to enter upon any land to gain access directly to his pipe line or any part thereof for the purpose of effecting emergency repairs to his pipe line,

have the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by such person and the owner of the land, shall be determined in the manner prescribed by section 41. R.S.O. 1960, c. 122, s. 17, *amended.*

Board's decision final

45. The decision of the Board on any application to it under this Part is final and conclusive. R.S.O. 1960, c. 122, s. 18.

46. Where leave to construct a line has been granted under this Part, section 58 of *The Public Utilities Act* does not apply to such line. R.S.O. 1960, c. 122, s. 19 (2). Where R.S.O. 1960, c. 335, s. 58, not to apply

47.—(1) One or more inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Part. Inspectors 1961-62, c. 121

(2) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations prescribing the duties of such inspectors. R.S.O. 1960, c. 122, s. 20. Idem

PART III

ENERGY RETURNS OFFICER

48.—(1) There may be appointed under *The Public Service Act, 1961-62* an officer known as the Energy Returns Officer who shall assist the Board. R.S.O. 1960, c. 271, s. 29 (1), *amended.* Energy Returns Officer 1961-62, c. 121

(2) The staff of the Energy Returns Officer shall consist of such deputy officers and employees as are deemed necessary. Staff

(3) Neither the Energy Returns Officer nor any of his staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duties. Information privileged

(4) Neither the Energy Returns Officer nor any of his staff is personally liable for anything done by him under the authority of this Act or the regulations. No personal liability

(5) The Energy Returns Officer and every deputy officer has, for the purposes of this Act and the regulations, the same powers as a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 271, s. 29 (2-4, 6). May take oaths

49. The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Energy Returns Officer and to assist the Energy Returns Officer in any capacity. R.S.O. 1960, c. 271, s. 30. Assistance

50. The Energy Returns Officer may for the purposes of this Act and the regulations, by registered letter or by a demand served personally, require from any gas transmitter, distributor, storage company or associate any information relating to the business of transmitting, distributing or storing gas or transactions with gas transmitters, distributors Production of documents, etc.

or storage companies, or further explanation or details of such information or the production, or the production on oath, of any document or record connected with the business of transmitting, distributing or storing gas within such reasonable time as is stipulated in such letter. R.S.O. 1960, c. 271, s. 31.

Power to enter, etc.

51. When authorized in writing by the chairman of the Board in the form prescribed by the regulations, the Energy Returns Officer and every other person so authorized may, for the purposes of this Act and the regulations, at all reasonable times, enter into any premises or place where any gas transmitter, distributor, storage company or associate is carrying on business or keeps any document or record connected with the business of transmitting, distributing or storing gas, or connected with any transaction with a gas transmitter, distributor or storage company, or does or has done anything to any such document or record, and may examine any such document or record, and may conduct audits, and may require any such gas transmitter, distributor, storage company or associate or its officers or directors to give all reasonable assistance with such examination or audit and to answer all proper questions relating to the examination or audit, either orally or in writing, on oath or by statutory declaration, and may, upon giving a receipt therefor, remove any such document or record from such premises or place for the purpose of photocopying such document or record, provided that such photocopying is carried out with reasonable dispatch and such document or record is immediately thereafter returned to such gas transmitter, distributor, storage company or associate and the return thereof is acknowledged in writing. R.S.O. 1960, c. 271, s. 32.

Notifying Board

52. The Energy Returns Officer shall notify the Board of all matters he thinks relevant to Board proceedings or possible future Board proceedings. R.S.O. 1960, c. 271, s. 34.

Witnesses

53.—(1) The Energy Returns Officer, any deputy officer, any person authorized by the chairman of the Board in writing under section 51 and any inspector may be called as a witness by the Board. R.S.O. 1960, c. 271, s. 35 (1), *amended.*

No privilege

(2) No document, record or photocopy thereof in the hands of the Energy Returns Officer shall be excluded as evidence on the ground of privilege.

Owner to be party

(3) No document, record or photocopy thereof or any return made under this Part in the hands of the Energy Returns Officer shall be introduced in evidence in any proceeding unless the owner of the document or record or the

maker of the return is a party to that proceeding or an associate of a party to that proceeding. R.S.O. 1960, c. 271, s. 35 (2, 3).

Information confidential

54.—(1) All information and material furnished to or received or obtained by the Energy Returns Officer, his deputy officers and employees or any person authorized by the chairman of the Board in writing under section 51 is confidential.

Idem

(2) No person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of any such material.

Offence

(3) Every person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 271, s. 36.

Permission of the Minister

(4) No information may be laid under this section without the written permission of the Minister in the form prescribed in the regulations. R.S.O. 1960, c. 271, s. 38 (2), *amended*.

Not evidence in certain proceedings

55. No document, record or photocopy thereof or any return made under this Part is admissible in evidence in any proceeding except proceedings respecting an order of the Board or in summary proceedings with respect to offences under section 34. R.S.O. 1960, c. 271, s. 37, *amended*.

PART IV

MISCELLANEOUS AND TRANSITIONAL

Conflict

56.—(1) In the event of conflict between this Act and any other general or special Act, this Act prevails.

Idem

(2) This Act and the regulations prevail over any by-law passed by a municipality.

Existing orders adopted

57.—(1) Every order and decision made under,

(*a*) *The Fuel Supply Act*, being chapter 152 of the Revised Statutes of Ontario, 1950;

(*b*) *The Natural Gas Conservation Act*, being chapter 251 of the Revised Statutes of Ontario, 1950;

(*c*) *The Well Drillers Act*, being chapter 423 of the Revised Statutes of Ontario, 1950;

1954, c. 63

(*d*) *The Ontario Fuel Board Act, 1954*;

1960, c. 75

(*e*) *The Ontario Energy Board Act, 1960*; or

(*f*) *The Ontario Energy Board Act*, being chapter 271 of the Revised Statutes of Ontario, 1960,

that were in force on the day this Act came into force shall be deemed to have been made by the Board under this Act.

Applications pending before Ontario Fuel Board

(2) Every application that was pending before the Ontario Fuel Board on the 31st day of August, 1960, shall be deemed to be an application before the Ontario Energy Board under this Act. R.S.O. 1960, c. 271, s. 40 (1, 2), *amended*.

References to Ontario Fuel Board

(3) Any reference in any Act to the Ontario Fuel Board shall be deemed to be a reference to the Ontario Energy Board. R.S.O. 1960, c. 271, s. 40 (3).

R.S.O. 1960, c. 271; 1960-61, c. 64; 1961-62, c. 91, repealed

58. *The Ontario Energy Board Act*, *The Ontario Energy Board Amendment Act, 1960-61* and *The Ontario Energy Board Amendment Act, 1961-62* are repealed.

Commencement

59. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

60. This Act may be cited as *The Ontario Energy Board Act, 1964*.

BILL 47

The Ontario Energy Board Act, 1964

1st Reading

February 24th, 1964

2nd Reading

March 9th, 1964

3rd Reading

MR. SIMONETT

(Reprinted as amended by the Committee on Government Commissions)

1964

BILL 47

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Ontario Energy Board Act, 1964

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 47 **1964**

The Ontario Energy Board Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

1. "associate" means a person, whether directly or indirectly through one or more intermediaries,

   i. who has the power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company,

   ii. whose management and policies any gas transmitter, distributor or storage company has the power to direct or to cause to be directed,

   iii. whose management and policies any other person has the power to direct or to cause to be directed, provided that such other person has such power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company;

2. "Board" means the Ontario Energy Board;

3. "distributor" means a person who supplies gas or fuel oil to a consumer, and "distribute" and "distribution" have corresponding meanings;

4. "fuel oil" means a hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 100°F.;

5. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;

6. "hydrocarbon" means a chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;

7. "land" includes any interest in land;

8. "manufactured gas" includes a mixture of liquefied petroleum gas and air distributed by pipe line;

9. "Minister" means the Minister of Energy and Resources Management;

10. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;

11. "owner" includes a person who is a mortgagee, lessee, tenant and occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;

R.S.O. 1960, c. 191

12. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;

13. "pipe line" means a pipe that carries a hydrocarbon, other than undiluted liquefied petroleum gas, and includes every part thereof and adjunct thereto;

14. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;

15. "regulations" means the regulations made under this Act;

16. "station" means a compressor station, a metering station, an odorizing station or a regulating station;

17. "storage company" means a person engaged in the business of storing gas;

18. "transmission line" means a pipe line, other than a production line, a distribution line, a pipe line within an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal or station;

19. "transmitter" means a person who carries a hydrocarbon by transmission line, and "transmit" and "transmission" have corresponding meanings;

20. "utility line" means a pipe line, a telephone, telegraph, electric power or water line, or any other line that supplies a service or commodity to the public;

21. "well" means a well drilled or bored for gas or oil, and includes a hole drilled or bored for obtaining sub-surface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well;

22. "work" means a well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil, or the transmission of a hydrocarbon or the manufacture of gas. R.S.O. 1960, c. 271, s. 1, *amended.*

PART I

THE BOARD

Board, composition

2.—(1) The Ontario Energy Board shall continue to consist of not fewer than three and not more than five members as the Lieutenant Governor in Council may from time to time determine.

appointment

(2) The members of the Board shall be appointed by the Lieutenant Governor in Council, and one of them shall be designated chairman and one or more of them may be designated vice-chairmen.

vacancies

(3) Vacancies in the membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

quorum

(4) Two members of the Board form a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board whether or not a vacancy in the membership of the Board exists. R.S.O. 1960, c. 271, ss. 2-4, *amended.*

Secretary
1961-62, c. 121

3.—(1) A secretary of the Board and such assistant secretaries as are deemed necessary may be appointed under *The Public Service Act, 1961-62.* R.S.O. 1960, c. 271, s. 6 (1), *amended.*

Acting secretary

(2) Where the office of secretary is vacant or in his absence or inability to act, the Board may designate a member of the Board or an assistant secretary to act *pro tempore* as secretary. R.S.O. 1960, c. 271, s. 6 (3).

Staff

4. The staff of the Board shall consist of such officers and employees as are deemed necessary. R.S.O. 1960, c. 271, s. 6 (4).

Power to administer oaths

5. Every member of the Board and its secretary has, for the purposes of this Act and every other Act under which the Board functions, the same powers as a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 271, s. 5.

Protection from being called as witnesses

6.—(1) No member of the Board or its secretary or any of its staff shall be required to give testimony in any proceedings with regard to information obtained by him in the discharge of his official duties.

Protection from personal liability

(2) No member of the Board or its secretary or any of its staff is personally liable for anything done by it or by him under the authority of this or any other Act. R.S.O. 1960, c. 271, s. 7.

Certified copies

7. Upon application of any person and upon payment of the prescribed fee, a member of the Board or the secretary shall certify and deliver to such person a true copy of any order or reasons for decision of the Board. R.S.O. 1960, c. 271, s. 8, *amended.*

Assistance

8. The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it. R.S.O. 1960, c. 271, s. 9.

Annual report

9.—(1) The Board shall make a report annually to the Minister containing such information as the Minister requires.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 271, s. 39, *amended.*

Money

10. The moneys required for the purposes of the Board shall be paid out of the moneys that are appropriated therefor by the Legislature. R.S.O. 1960, c. 271, s. 10.

11.—(1) The Board shall adopt an official seal. R.S.O. 1960, c. 271, s. 11 (1). Seal

(2) All orders made by the Board shall be signed by the chairman, a vice-chairman, the secretary or an assistant secretary and sealed with the seal of the Board, and, when purporting to be so signed and sealed, shall be judicially noticed without further proof. R.S.O. 1960, c. 271, s. 11 (2), *amended.* Signing of orders

(3) *The Regulations Act* does not apply to the orders of the Board. R.S.O. 1960, c. 271, s. 11 (3). R.S.O. 1960, c. 349, not to apply

12. No authority given by the Board under this or any other Act shall be assigned without the leave of the Board. *New.* Assignment of authority

13.—(1) The Board has in all matters within its jurisdiction authority to hear and determine all questions of law and of fact. Power to determine law and fact

(2) Subject to subsection 2 of section 35, where a proceeding before the Board is commenced by the filing of an application, the Board shall proceed by order. R.S.O. 1960, c. 271, s. 12 (1), *amended.* Applications

(3) Where a proceeding before the Board is commenced by a reference to the Board by the Minister, the Board shall proceed in accordance with the reference. References

(4) Where a proceeding before the Board is commenced by requirement of the Lieutenant Governor in Council, the Board shall proceed in accordance with the requirement. *New.* Orders in council

(5) The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this or any other Act. R.S.O. 1960, c. 271, s. 12 (2). Jurisdiction exclusive

14. The Board for the due exercise of its jurisdiction and powers and otherwise for carrying into effect this or any other Act has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. R.S.O. 1960, c. 271, s. 13. Powers of Supreme Court exercisable by Board

15.—(1) The Board may at any time on its own motion and without a hearing approve the form of a document or Board's powers, miscellaneous

give directions or require the preparation of evidence incidental to the exercise of the powers conferred upon the Board by this or any other Act.

ex parte orders

(2) The Board, if it is satisfied that the special circumstances of the case so require or that the delay necessary to give notice of an application might entail serious mischief, may make an *ex parte* order respecting the practice and procedure in any proceeding before it. *New.*

Hearings

1964, c. ...

(3) Subject to subsections 1 and 2 of this section, subsection 5 of section 19, subsection 2 of section 22, section 23 and subsection 2 of section 37 of this Act and to subsection 2 of section 6 of *The Energy Act, 1964*, the Board shall not make any order or proceed in accordance with any reference or order in council under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs.

Proceedings, public

(4) Every proceeding before the Board shall be open to the public. R.S.O. 1960, c. 271, s. 14 (1, 2), *amended.*

place of

(5) The Board may hear any application or deal with any matter at any place in Ontario that it appoints. R.S.O. 1960, c. 271, s. 14 (3).

use of court house

(6) Where sittings of the Board are to be held in a municipality in which a court house is situate, the Board and its members have in all respects the same authority and right as a judge of the Supreme Court with respect to the use of the court house and any part thereof and of other buildings and rooms set aside in the municipality for the administration of justice.

use of municipal hall

(7) Where sittings of the Board are to be held in a municipality in which there is a hall belonging to the corporation thereof, but no court house, the corporation shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for such purpose. *New.*

adjournment and interim orders

(8) The Board may adjourn any proceeding from time to time and may make interim orders pending the final disposition of the matter before it. R.S.O. 1960, c. 271, s. 14 (4), *amended.*

Terms and conditions of orders

16. The Board in making an order may impose such terms and conditions as it deems proper, and an order may be general or particular in its application. R.S.O. 1960, c. 271, s. 14 (5).

17.—(1) Where an application has been opposed, the Board shall prepare written reasons for its decision. Reasons for decision

(2) Where an application has been unopposed, the Board may, and at the request of the applicant shall, prepare written reasons for its decision. Idem

(3) All written reasons of the Board shall be kept by the secretary or an assistant secretary and made available to any person upon payment of the prescribed fee. R.S.O. 1960, c. 271, s. 14 (6), *amended.* Idem

18. An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order. R.S.O. 1960, c. 271, s. 16. Obedience to orders of Board a good defence

19.—(1) Subject to the regulations, the Board may make orders approving or fixing just and reasonable rates and other charges for the sale of gas by transmitters, distributors and storage companies, and for the transmission, distribution and storage of gas. R.S.O. 1960, c. 271, s. 17 (1). Rates

(2) Notwithstanding anything to the contrary, the Board may dispense with the determination of a rate base, Where rate base may be dispensed with

(*a*) in the case of a transmitter, distributor or storage company that has been carrying on business by itself and by its predecessor, if any, for less than two years;

(*b*) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited application and will not materially affect the revenues and expenditures of the transmitter, distributor or storage company; or

(*c*) in the case of an order under subsection 8 of section 15 or subsection 5 of this section. 1961-62, c. 91, s. 1 (1).

(3) Subject to the regulations, no transmitter, distributor or storage company shall sell gas or charge for the transmission, distribution or storage of gas except in accordance with an order of the Board, which is not bound by the terms of any contract entered into prior to the day upon which this Act comes into force. R.S.O. 1960, c. 271, s. 17 (2). Prohibition as to sale, etc., of gas

(4) Subject to subsection 6, at any hearing with respect to rates or other charges for the sale, transmission, distribution or storage of gas, the burden of proof is on the applicant. Burden of proof

Interim rate orders

(5) The Board may, at the request of any applicant, without a hearing, make one or more orders under subsection 1, each effective for a period of not more than one year, pending a final disposition of the application,

(*a*) where the rates or other charges proposed in the application are the initial rates or other charges for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company in the municipality or area named in the application;

(*b*) where, after notice of the application has been given in accordance with the regulations, no one has filed an answer within the time limited therefor;

(*c*) where the application is for approving or fixing prompt-payment discounts or delayed-payment penalties;

(*d*) where the transmitter, distributor or storage company is selling, transmitting, distributing or storing gas, as the case may be, at a loss; or

(*e*) where the application does not contain a request for an increase in the rates or other charges then being charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company.

Idem

(6) The Board of its own motion may, and upon the request of the Lieutenant Governor in Council shall, hold a hearing for the purpose of inquiring into and determining whether any of the rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, and shall, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be. 1961-62, c. 91, s. 1 (2), *amended.*

Where section does not apply

R.S.O. 1960, c. 335

(7) This section does not apply to any municipality or municipal public utility commission transmitting or distributing gas under *The Public Utilities Act. New.*

Prohibition

20. No person shall inject gas for storage into a geological formation unless the geological formation is within a designated gas storage area and unless, in the case of gas storage areas designated after the 31st day of January, 1962, authorization so to do has been obtained under section 21 or its predecessor. 1961-62, c. 40, s. 2 (4), *amended.*

21.—(1) The Board by order may authorize a person to inject gas into, store gas in and remove gas from a designated gas storage area, and to enter into and upon the land in the area and use the land for such purposes. R.S.O. 1960, c. 271, s. 19 (1), *amended.* Authority to store

(2) Subject to any agreement with respect thereto, the person authorized by an order under subsection 1, Right to compensation

(*a*) shall make to the owners of any gas or oil rights or of any right to store gas in the area fair, just and equitable compensation in respect of such gas or oil rights or such right to store gas; and

(*b*) shall make to the owner of any land in the area fair, just and equitable compensation for any damage necessarily resulting from the exercise of the authority given by such order. R.S.O. 1960, c. 271, s. 19 (2).

(3) No action or other proceeding lies in respect of such compensation, and, failing agreement, the amount thereof shall be determined by a board of arbitration in the manner prescribed in the regulations, and *The Arbitrations Act* does not apply. R.S.O. 1960, c. 271, s. 19 (3), *amended.* Recovery of compensation R.S.O. 1960, c. 18

(4) An appeal lies to the Ontario Municipal Board from an award of the board of arbitration. Appeal

(5) Notice of an appeal under subsection 4 shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, allows. Notice of appeal

(6) The hearing of an appeal under subsection 4 shall be a hearing *de novo*, and *The Ontario Municipal Board Act* applies thereto. Nature of appeal R.S.O. 1960, c. 274

(7) An appeal within the meaning of section 95 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case that section applies. R.R.O. 1960, Reg. 459, s. 5 (5-8), *amended.* Further appeal

(8) For the purposes of subsection 3 of section 10 of *The Expropriation Procedures Act, 1962-63,* this section shall be deemed to be section 19 of *The Ontario Energy Board Act* referred to therein. *New.* Determination of compensation 1962-63, c. 43 R.S.O. 1960, c. 271

Allocation of surplus storage facilities

22.—(1) Upon the application of a transmitter or distributor, the board, by order, may direct a storage company having storage capacity and facilities that are not in full use to provide all or part of such storage capacity and facilities for the applicant upon such terms and conditions as are determined by the Board.

Gas storage agreements to be approved

(2) No storage company shall on or after the day on which this Act comes into force enter into any agreement or renew any agreement with a transmitter or distributor with respect to the storage of gas unless,

(*a*) the parties to the agreement or renewal;

(*b*) the period for which the agreement or renewal is to be in operation; and

(*c*) the storage that is the subject of the agreement or renewal,

have first been approved by the Board with or without a hearing. *New.*

Applications to drill well to be referred to Board

23. The Minister shall refer every application for a permit to bore, drill or deepen a well in a designated gas storage area to the Board, and the Board shall report to the Minister thereon, but, where the applicant does not have authority to store gas in the area or where, in the opinion of the Board, the special circumstances of the case so require, the Board shall hold a hearing before reporting to the Minister, and in either event the Minister shall grant or refuse to grant the permit in accordance with the report. *New.*

Allocation of market demand and joining interests in spacing units and pools

24. The Board by order may,

(*a*) allocate a just and equitable share of the market demands for gas or oil to the several sources from which such gas or oil is produced and to the several interests within a field or pool;

(*b*) require the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation; or

(*c*) require and regulate the joining of the various interests within a field or pool for the purpose of drilling or operating wells, the designation of management and the apportioning of the costs and the benefits of such drilling or operation. *New.*

25. Subject to *The Public Utilities Act* and to *The Energy Act, 1964*, and in the absence of an agreement to the contrary between the parties affected, no transmitter shall voluntarily discontinue transmitting gas to a distributor without the leave of the Board, and no distributor shall voluntarily discontinue distributing gas by pipe line to a consumer without the leave of the Board. R.S.O. 1960, c. 271, s. 21, *amended*. Discontinuation of gas supply R.S.O. 1960, c. 335 1964, c. ...

26. The Board may order the payment of money out of the Abandoned Works Fund under *The Energy Act, 1964*. R.S.O. 1960, c. 271, s. 20. Payment out of Fund

27. Subject to the approval of the Lieutenant Governor in Council, the Board may make rules regulating its practice and procedure. R.S.O. 1960, c. 271, s. 22. Practice and procedure

28.—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed. Costs

(2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed. Idem

(3) The Board may prescribe a scale under which such costs shall be taxed. Idem

(4) In this section, the costs may include the costs of the Board, regard being had to the time and expenses of the Board. R.S.O. 1960, c. 271, s. 23. Idem

29.—(1) A certified copy of any order made by the Board, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such. R.S.O. 1960, c. 271, s. 15 (1), *amended*. Enforcement of orders

(2) Any order so filed may be rescinded or varied by the Board at any time in the manner provided in section 30. Effect of filing

(3) An order of the Board requiring a person to pay money to the Board, to any party to a proceeding before the Board or to any other person as costs or otherwise may be enforced by a written direction from the Board to the sheriff of any county or district endorsed upon or annexed to a certified copy of the order. Direction to sheriff

(4) The sheriff receiving such a direction shall levy the amount named therein with his costs and expenses in like manner and with the same power as if the endorsed order were an execution issued out of the Supreme Court against Effect of direction

the goods of the person named in the order, and the order so endorsed constitutes a lien and charge upon the property, real or personal, or the interest therein of the person named in the order, that is situate in such county or district to the same extent and in the same manner as the property would be bound by the filing with the sheriff of an execution issued after judgment of the Supreme Court.

Land titles

(5) Where the person named in any such order holds lands or any interest therein that is registered in a land titles office, the Board may register a certified copy of the order with the proper master of titles, and, when so registered, it constitutes a lien and charge upon the land to the same extent and in the same manner as an execution issued after judgment in the Supreme Court and registered with the proper master of titles.

Idem

(6) The amount ordered to be paid by any order registered under subsection 5 may be realized in the same manner and by the same proceedings *mutatis mutandis* as the amount of any registered execution of the Supreme Court. R.S.O. 1960, c. 271, s. 15 (2-6).

Power to review

30. The Board may at any time and from time to time rehear or review any application before deciding it, and may by order rescind or vary any order made by it. R.S.O. 1960, c. 271, s. 24, *amended.*

Stated case

31.—(1) The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Idem

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon. R.S.O. 1960, c. 271, s. 26.

Appeal to Court of Appeal

32.—(1) An appeal lies to the Court of Appeal from any order of the Board upon a question of law or jurisdiction, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.

Board may be heard

(2) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Board to act on Court's opinion

(3) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion, but in no case shall such order be retroactive in its effect.

(4) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and make rules of practice respecting such appeals, but, until such rules are made, the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section. Costs, rules of practice

(5) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. Board not liable for costs

(6) Every order made under section 19 takes effect at the time prescribed in the order, and its operation is not suspended by an appeal. R.S.O. 1960, c. 271, s. 27. Order to take effect notwithstanding appeal

33.—(1) Upon the petition of any party or person interested, filed with the clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may, Lieutenant Governor in Council may confirm, vary or rescind orders

(*a*) confirm, vary or rescind the whole or any part of such order or decision; or

(*b*) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section. R.S.O. 1960, c. 271, s. 25, *amended*.

(2) For the purposes of this section, the date of every order heretofore made by the Board shall be deemed to be the date this Act comes into force. *New*. Orders of Board heretofore made

34.—(1) Every person who contravenes any provision of this Act or the regulations or any order of the Board is guilty of an offence and on summary conviction is liable to a fine of not less than $200 and not more than $2,000 for each day over which the offence continues or to imprisonment for a term of not more than two years less a day, or to both. Offences

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed in the regulations. R.S.O. 1960, c. 271, s. 38, *amended*. Permission of the Minister

35.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(*a*) limiting, restricting or taking away any rights to use or consume gas without charge or at a reduced rate;

(*b*) requiring the Board to approve or fix rates or other charges under section 19;

(*c*) providing for compensation procedure for the owners of gas or oil rights and the rights to store gas and for the owners of land who are referred to in subsection 2 of section 21;

(*d*) prescribing the duties of the secretary, assistant secretary and officers of the Board;

(*e*) prescribing forms and providing for their use;

(*f*) prescribing fees payable to the Board;

(*g*) requiring and providing for the making of returns, statements or reports concerning energy by any person;

(*h*) prescribing classes of gas transmitters, distributors and storage companies;

(*i*) respecting the manner in which the accounts of gas transmitters, distributors and storage companies are to be kept;

(*j*) prescribing a uniform system of accounts applicable to any of the classes of gas transmitters, distributors or storage companies;

(*k*) upon the recommendation of the Board, designating any area as a gas storage area;

(*l*) exempting any person from the operation of or compliance with any provision of this Act;

(*m*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 271, s. 28, *amended.*

Gas storage areas

(2) An application for a regulation designating a gas storage area shall be made to the Board, which shall hold a hearing thereon and make its recommendation to the Lieutenant Governor in Council. *New.*

References

36. The Lieutenant Governor in Council may require the Board to examine and report on any question respecting energy that, in the opinion of the Lieutenant Governor in Council, requires a public hearing. R.S.O. 1960, c. 271, s. 28, cl. (*j*), *amended.*

PART II

PIPE LINES

37.—(1) No person shall construct a transmission line without first obtaining from the Board an order granting leave to construct the transmission line. R.S.O. 1960, c. 122, s. 11, *amended.* Leave to construct a transmission line

(2) The Board may, if in its opinion the special circumstances of a particular case so require, without a hearing exempt a person from the requirements of subsection 1. *New.* Exception

38. Any person may, before he constructs a production line, distribution line or station, apply to the Board for an order granting leave to construct the production line, distribution line or station. *New.* Leave to construct in other cases

39.—(1) An applicant for an order granting leave to construct a transmission line, production line, distribution line or a station shall file with his application a map showing the general location of the proposed line or station and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed line is to pass. Route map

(2) Notice of the application shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture, the Department of Municipal Affairs, the Department of Highways and such persons as the Board directs. R.S.O. 1960, c. 122, s. 12 (1, 2), *amended.* Notice of application

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after the giving of notice of the application and shall set forth the grounds upon which such objection is based. Objections

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection. R.S.O. 1960, c. 122, s. 12 (3, 4). Reply

(5) Where an application is opposed, it shall not be heard for at least thirty days after the day on which it was filed with the Board. Hearing

(6) Where an application is unopposed, it shall not be heard for at least fourteen days after the day on which it was filed with the Board. R.S.O. 1960, c. 122, s. 12 (5), *amended.* Idem

Notice of hearing

(7) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2.

Power to grant leave

(8) Where after the hearing the Board is of the opinion that the construction of the proposed line or station is in the public interest, it may make an order granting leave to construct the line or station.

Agreements

(9) Leave to construct the line or station shall not be granted until the applicant satisfies the Board that it has offered or will offer to each landowner an agreement in a form approved by the Board.

Right to enter land

(10) Any person to whom the Board has granted leave to construct a line or station, his officers, employees and agents, may enter into or upon any land at the intended location of any part of the line or station and may make such surveys and examinations as are necessary for fixing the site of the line or station, and, failing agreement, any damages resulting therefrom shall be determined in the manner provided in section 41. R.S.O. 1960, c. 122, s. 12 (6-8, 10), *amended.*

Expropriation

40.—(1) Any person who has leave to construct a line or station under this Part or a predecessor of this Part may apply to the Board for authority to expropriate land for the purposes of the line or station, and the Board shall thereupon set a date for the hearing of such application, and such date shall be not fewer than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land. R.S.O. 1960, c. 122, s. 13 (1), *amended.*

Procedure

(2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board directs.

Power to make order

(3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. R.S.O. 1960, c. 122, s. 13 (2, 3).

1962-63, c. 43, to apply

(4) Any person who is authorized under this section to expropriate land, and who desires so to do, shall do so in the manner set out in *The Expropriation Procedures Act, 1962-63,* and that Act applies to every such expropriation. *New.*

Compensation

41.—(1) The applicant shall make to the owner of land acquired by expropriation under this Part, or any predecessor of this Part, due compensation for the land and for any damages resulting from the exercise of such power.

(2) No action or other proceeding lies in respect of such compensation, and, failing agreement between the applicant and the owner, the amount thereof shall be determined in the manner provided in this section, and *The Arbitrations Act* does not apply. R.S.O. 1960, c. 122, s. 14 (1, 2), *amended.* Determination of amount R.S.O. 1960, c. 18

(3) The Minister shall appoint one or more persons as a board of arbitration to determine in a summary manner the amount of such compensation. Board of arbitration

(4) Where the board of arbitration is composed of more than one person, the Minister shall designate one of them as chairman. Chairman

(5) The Lieutenant Governor in Council may make regulations governing the practice and procedure of the board of arbitration, and, until such regulations are made, the practice and procedure of the Ontario Municipal Board apply to any arbitration under this section. Procedure

(6) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members fails to agree upon any matter, the decision of the chairman upon such matter is the decision of the board. Decision

(7) An appeal lies to the Ontario Municipal Board from an award of the board of arbitration. Appeal

(8) Notice of an appeal under this section shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, allows. Notice of appeal

(9) The hearing of an appeal under this section shall be a hearing *de novo*, and *The Ontario Municipal Board Act* applies thereto. Nature of appeal R.S.O. 1960, c. 274

(10) An appeal within the meaning of section 95 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case that section applies. R.S.O. 1960, c. 122, s. 14 (3-10). Further appeal

(11) For the purposes of subsection 2 of section 10 of *The Expropriation Procedures Act, 1962-63,* Determination of compensation 1962-63, c. 43

(*a*) an applicant under this Part shall be deemed to be a corporation; and

(*b*) this section shall be deemed to be section 14 of *The Energy Act*, being chapter 122 of the Revised Statutes of Ontario, 1960. *New.*

Crossings with leave

42.—(1) Any person who has leave to construct a line may apply to the Board for authority to construct it upon, under or over a highway, utility line or ditch.

Procedure

(2) The procedure set forth in subsections 1 and 2 of section 40 applies *mutatis mutandis* to an application under this section.

Order

(3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the applicant so to do upon such terms and conditions as it considers proper. R.S.O. 1960, c. 122, s. 15, *amended.*

Right to compensation for damages during construction

43. Any person who has acquired land for the purposes of his line or station by agreement with the owner of the land shall make to the owner of the land due compensation for any damages resulting from the exercise of his rights under the agreement, and, if the compensation is not agreed upon by them, it shall be determined in the manner prescribed by section 41. R.S.O. 1960, c. 122, s. 16, *amended.*

Right of entry and compensation

44. Any person, his servants or agents, who,

(*a*) require at any time to enter upon any land to gain access to his right-of-way established under this Part, or a predecessor thereof, for the purpose of maintaining, repairing, renewing or removing his line or part of it;

(*b*) require at any time to enter upon any land to gain access directly to his pipe line or any part thereof for the purpose of effecting emergency repairs to his pipe line,

have the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by such person and the owner of the land, shall be determined in the manner prescribed by section 41. R.S.O. 1960, c. 122, s. 17, *amended.*

Board's decision final

45. The decision of the Board on any application to it under this Part is final and conclusive. R.S.O. 1960, c. 122, s. 18.

46. Where leave to construct a line has been granted under this Part, section 58 of *The Public Utilities Act* does not apply to such line. R.S.O. 1960, c. 122, s. 19 (2). Where R.S.O. 1960, c. 335, s. 58, not to apply

47.—(1) One or more inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Part. Inspectors 1961-62, c. 121

(2) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations prescribing the duties of such inspectors. R.S.O. 1960, c. 122, s. 20. Idem

PART III

ENERGY RETURNS OFFICER

48.—(1) There may be appointed under *The Public Service Act, 1961-62* an officer known as the Energy Returns Officer who shall assist the Board. R.S.O. 1960, c. 271, s. 29 (1), *amended.* Energy Returns Officer 1961-62, c. 121

(2) The staff of the Energy Returns Officer shall consist of such deputy officers and employees as are deemed necessary. Staff

(3) Neither the Energy Returns Officer nor any of his staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duties. Information privileged

(4) Neither the Energy Returns Officer nor any of his staff is personally liable for anything done by him under the authority of this Act or the regulations. No personal liability

(5) The Energy Returns Officer and every deputy officer has, for the purposes of this Act and the regulations, the same powers as a commissioner for taking affidavits in Ontario. R.S.O. 1960, c. 271, s. 29 (2-4, 6). May take oaths

49. The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Energy Returns Officer and to assist the Energy Returns Officer in any capacity. R.S.O. 1960, c. 271, s. 30. Assistance

50. The Energy Returns Officer may for the purposes of this Act and the regulations, by registered letter or by a demand served personally, require from any gas transmitter, distributor, storage company or associate any information relating to the business of transmitting, distributing or storing gas or transactions with gas transmitters, distributors Production of documents, etc.

or storage companies, or further explanation or details of such information or the production, or the production on oath, of any document or record connected with the business of transmitting, distributing or storing gas within such reasonable time as is stipulated in such letter. R.S.O. 1960, c. 271, s. 31.

Power to enter, etc.

51. When authorized in writing by the chairman of the Board in the form prescribed by the regulations, the Energy Returns Officer and every other person so authorized may, for the purposes of this Act and the regulations, at all reasonable times, enter into any premises or place where any gas transmitter, distributor, storage company or associate is carrying on business or keeps any document or record connected with the business of transmitting, distributing or storing gas, or connected with any transaction with a gas transmitter, distributor or storage company, or does or has done anything to any such document or record, and may examine any such document or record, and may conduct audits, and may require any such gas transmitter, distributor, storage company or associate or its officers or directors to give all reasonable assistance with such examination or audit and to answer all proper questions relating to the examination or audit, either orally or in writing, on oath or by statutory declaration, and may, upon giving a receipt therefor, remove any such document or record from such premises or place for the purpose of photocopying such document or record, provided that such photocopying is carried out with reasonable dispatch and such document or record is immediately thereafter returned to such gas transmitter, distributor, storage company or associate and the return thereof is acknowledged in writing. R.S.O. 1960, c. 271, s. 32.

Notifying Board

52. The Energy Returns Officer shall notify the Board of all matters he thinks relevant to Board proceedings or possible future Board proceedings. R.S.O. 1960, c. 271, s. 34.

Witnesses

53.—(1) The Energy Returns Officer, any deputy officer, any person authorized by the chairman of the Board in writing under section 51 and any inspector may be called as a witness by the Board. R.S.O. 1960, c. 271, s. 35 (1), *amended.*

No privilege

(2) No document, record or photocopy thereof in the hands of the Energy Returns Officer shall be excluded as evidence on the ground of privilege.

Owner to be party

(3) No document, record or photocopy thereof or any return made under this Part in the hands of the Energy Returns Officer shall be introduced in evidence in any proceeding unless the owner of the document or record or the

maker of the return is a party to that proceeding or an associate of a party to that proceeding. R.S.O. 1960, c. 271, s. 35 (2, 3).

Information confidential

54.—(1) All information and material furnished to or received or obtained by the Energy Returns Officer, his deputy officers and employees or any person authorized by the chairman of the Board in writing under section 51 is confidential.

Idem

(2) No person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of any such material.

Offence

(3) Every person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 271, s. 36.

Permission of the Minister

(4) No information may be laid under this section without the written permission of the Minister in the form prescribed in the regulations. R.S.O. 1960, c. 271, s. 38 (2), *amended*.

Not evidence in certain proceedings

55. No document, record or photocopy thereof or any return made under this Part is admissible in evidence in any proceeding except proceedings respecting an order of the Board or in summary proceedings with respect to offences under section 34. R.S.O. 1960, c. 271, s. 37, *amended*.

PART IV

MISCELLANEOUS AND TRANSITIONAL

Conflict

56.—(1) In the event of conflict between this Act and any other general or special Act, this Act prevails.

Idem

(2) This Act and the regulations prevail over any by-law passed by a municipality.

Existing orders adopted

57.—(1) Every order and decision made under,

(*a*) *The Fuel Supply Act*, being chapter 152 of the Revised Statutes of Ontario, 1950;

(*b*) *The Natural Gas Conservation Act*, being chapter 251 of the Revised Statutes of Ontario, 1950;

(*c*) *The Well Drillers Act*, being chapter 423 of the Revised Statutes of Ontario, 1950;

1954, c. 63

(*d*) *The Ontario Fuel Board Act, 1954*;

1960, c. 75

(*e*) *The Ontario Energy Board Act, 1960*; or

(*f*) *The Ontario Energy Board Act*, being chapter 271 of the Revised Statutes of Ontario, 1960,

that were in force on the day this Act came into force shall be deemed to have been made by the Board under this Act.

Applications pending before Ontario Fuel Board

(2) Every application that was pending before the Ontario Fuel Board on the 31st day of August, 1960, shall be deemed to be an application before the Ontario Energy Board under this Act. R.S.O. 1960, c. 271, s. 40 (1, 2), *amended.*

References to Ontario Fuel Board

(3) Any reference in any Act to the Ontario Fuel Board shall be deemed to be a reference to the Ontario Energy Board. R.S.O. 1960, c. 271, s. 40 (3).

R.S.O. 1960, c. 271; 1960-61, c. 64; 1961-62, c. 91, repealed

58. *The Ontario Energy Board Act*, *The Ontario Energy Board Amendment Act, 1960-61* and *The Ontario Energy Board Amendment Act, 1961-62* are repealed.

Commencement

59. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

60. This Act may be cited as *The Ontario Energy Board Act, 1964.*

BILL 47

The Ontario Energy Board Act, 1964

1st Reading

February 24th, 1964

2nd Reading

March 9th, 1964

3rd Reading

March 25th, 1964

MR. SIMONETT

1964

BILL 48

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Energy Act, 1964

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Both *The Energy Act* and *The Ontario Energy Board Act* are being revised and up-dated in the light of experience in order to improve administration.

At present, the interpretation section of *The Energy Act* serves also as the interpretation section of *The Ontario Energy Board Act.* Hereafter both Acts will be self-contained in this respect.

A number of unused sections in the present Act have been removed. A number of sections have been transferred to *The Ontario Energy Board Act,* including all of the Part dealing with pipe lines.

Other provisions have been re-arranged and subdivided for greater convenience.

There are no fundamental changes in principle.

BILL 48 **1964**

The Energy Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

1. "appliance" means a device using only gas or fuel oil as fuel, and includes all vents, and all gas or fuel oil piping, tanks, containers and controls attached or to be attached thereto;

2. "Board" means the Ontario Energy Board;

3. "contractor" means a person,

   i. who carries on the business of installing, removing, repairing or servicing appliances, or

   ii. who sells and agrees to install appliances;

4. "Department" means the Department of Energy and Resources Management;

5. "distributor" means a person who supplies gas or fuel oil to a consumer, and "distribute" and "distribution" have corresponding meanings;

6. "fuel oil" means a hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 100°F.;

7. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;

8. "hydrocarbon" means a chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;

9. "inspector" means an inspector appointed under this Act;

10. "land" includes any interest in land;

11. "licence" means a licence issued under this Act;

12. "manufactured gas" includes a mixture of liquefied petroleum gas and air distributed by pipe line;

13. "Minister" means the Minister of Energy and Resources Management;

14. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;

15. "owner" includes a person who is a mortgagee, lessee, tenant and occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;

16. "permit" means a permit issued under this Act;

R.S.O. 1960, c. 191

17. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;

18. "pipe line" means a pipe that carries a hydrocarbon, other than undiluted liquefied petroleum gas, and includes every part thereof and adjunct thereto;

19. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;

20. "registered" means registered under this Act, and "registration" has a corresponding meaning;

21. "regulations" means the regulations made under this Act;

22. "storage company" means a person engaged in the business of storing gas;

23. "transmission line" means a pipe line, other than a production line, a distribution line, a pipe line within an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal or station;

24. "transmitter" means a person who carries a hydrocarbon by transmission line, and "transmit" and "transmission" have corresponding meanings;

25. "utility line" means a pipe line, telephone, telegraph, electric power or water line, or any other line that supplies a service or commodity to the public;

26. "well" means a well drilled or bored for gas or oil, and includes a hole drilled or bored for obtaining subsurface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well;

27. "work" means a well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil, or the transmission of a hydrocarbon or the manufacture of gas. R.S.O. 1960, c. 122, s. 1; 1961-62, c. 40, s. 1, *amended.*

Appointment of inspectors 1961-62, c. 121

2.—(1) One or more inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Act. R.S.O. 1960, c. 122, s. 2 (1), *amended.*

Powers of inspector

(2) An inspector may, for the purposes of this Act and the regulations and for the purposes of any other Act or regulation that confers any function on an inspector,

(*a*) enter in or upon, take up or use any property, real or personal, at any time;

(*b*) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations, and examine and copy it;

(*c*) make such examinations, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with; and

(*d*) exercise such other powers and do such other acts and things as are necessary for the carrying out of this Act and the regulations.

Idem

(3) The owner of any property and his servants, agents and employees shall furnish all means in his or their power required by the inspector for entry, inspection, testing and inquiry in the exercise of his powers and duties.

Inspector's instructions

(4) An inspector may give instructions orally or in writing to any person with respect to any matter or thing regulated, controlled or required by this Act or the regulations or by any order of the Board and may require that his instructions be carried out within such time as he specifies.

Written instructions

(5) If a person to whom an inspector gives oral instructions under subsection 4 requests that the instructions be put in writing, the inspector shall put the instructions in writing.

Not required to testify

(6) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty, except with the written permission of the Minister.

No personal liability

(7) No inspector is personally liable for anything done by him under the authority of this Act or the regulations. R.S.O. 1960, c. 122, s. 2 (2-7).

Inspectors may tag works

3.—(1) An inspector may tag a work or appliance in relation to which he has reason to believe that an offence against this Act or the regulations has been, is being, or is about to be, committed by attaching a tag in the prescribed form to some part of the work or appliance.

Idem

(2) An inspector who has tagged a work or appliance shall forthwith notify in writing the person who appears to have the care or custody of the work or appliance of such tagging.

Tag not to be removed

(3) No person, other than an inspector, shall alter, deface or destroy such a tag, and no person, other than an inspector or a registered contractor who has remedied or repaired the work or appliance in accordance with requirements of the inspector, shall remove such a tag.

Tag to be forwarded to inspector

(4) Where such a tag is removed by a registered contractor, he shall endorse his name and address thereon and forward the tag by registered mail to the inspector who attached the tag.

(5) Except when authorized by an inspector, no person shall operate, or remove hydrocarbons from, or knowingly supply hydrocarbons to, or use in any manner whatsoever, a work or appliance that has been tagged. R.S.O. 1960, c. 122, s. 3. Work not to be used

4.—(1) One or more chief inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Act. Chief inspectors 1961-62, c. 121

(2) A person who has just cause to believe that to comply with, Appeal to chief inspector

(*a*) an instruction given under subsection 4 of section 2; or

(*b*) a tag attached under section 3,

would cause physical injury to any person or would cause an unreasonable interference with the property or services of any person may appeal to a chief inspector by giving forthwith oral notice thereof to a chief inspector. R.S.O. 1960, c. 122, s. 4 (1, 2), *amended.*

(3) Such oral notice may be given by telephone. Idem

(4) The chief inspector so notified may vary, rescind or confirm the instruction or instruct the removal of or compliance with the tag. R.S.O. 1960, c. 122, s. 4 (3, 4). Idem

5.—(1) No person shall, No exploring, leasing or producing without licence

(*a*) conduct a geophysical or geochemical exploration for gas or oil; or

(*b*) lease gas or oil rights from an owner other than the Crown; or

(*c*) produce gas or oil,

unless he is the holder of a licence for such purpose, but the failure on the part of any person to comply with this subsection does not affect the validity of any contract. R.S.O. 1960, c. 122, s. 5 (1), *amended.*

(2) No person shall operate a machine for boring or drilling wells unless the machine is licensed. R.S.O. 1960, c. 122, s. 5 (2). No well-drilling machine to be operated without licence

No well to be bored, etc., without permit

(3) No person shall bore, drill or deepen a well unless he is the holder of a permit for such purposes. R.S.O. 1960, c. 122, s. 5 (3), *amended.*

No gas to be injected, etc., without permit

6.—(1) Subject to the regulations, no person shall repressure, maintain pressure in or flood any gas or oil horizon by the injection of gas, oil, water or other substance unless he is the holder of a permit for such purpose, but this prohibition does not apply to a person who injects gas in a designated gas storage area. 1960-61, c. 23, s. 1, *part, amended.*

Reference to Board

(2) If, in the opinion of the Minister, the special circumstances of a case so require, he may refer an application for a permit to repressure, maintain pressure in or flood a gas or oil horizon to the Board, and the Board shall report to the Minister thereon, but, where, in the opinion of the Board, the special circumstances of the case so require, the Board shall hold a hearing before reporting to the Minister, and in either event the Minister shall grant or refuse to grant the permit in accordance with the report. *New.*

No transmission or distribution without licence

7.—(1) No person shall,

(*a*) transmit gas;

(*b*) transmit fuel oil;

(*c*) transmit a hydrocarbon other than gas or fuel oil;

(*d*) distribute gas;

(*e*) distribute fuel oil; or

(*f*) transfer liquefied petroleum gas to a pressure vessel,

unless he is the holder of a licence for such purpose, but the failure on the part of a person to comply with this subsection does not affect the validity of any contract. *New.*

No sale, etc., of appliances without label

(2) Subject to the regulations, no person shall buy, sell or install an appliance that does not bear the label of an organization designated in the regulations or a label issued by the Minister. 1961-62, c. 40, s. 2 (5), *amended.*

Registered contractors to install, etc., appliances

(3) Subject to the regulations, no person, other than a registered contractor, his employee or agent, shall install, repair, service or remove an appliance or any class or classes thereof. R.S.O. 1960, c. 122, s. 5 (6).

(4) Subject to the regulations, no person shall install, repair, service or remove or permit or cause to be installed, repaired, serviced or removed an appliance unless the installation, repair, service or removal is done by or under the supervision of a person who is registered for such purposes. 1960-61, c. 23, s. 1, *part*, *amended*. Idem

(5) No person shall connect or have connected an appliance to a supply by pipe line of gas or fuel oil without first giving notice to the distributor of the gas or fuel oil of the address of the premises at which the installation is to be made and the type of appliance to be connected. Idem

(6) Where a premises is connected for the first time to a supply by pipe line of gas or fuel oil, no person shall use an appliance connected to the supply of gas or fuel oil until the distributor of the gas or fuel oil has inspected the appliance. R.S.O. 1960, c. 122, s. 5 (7, 8), *amended*. Inspection by distributor

(7) A distributor shall have free access, at all reasonable times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas or fuel oil is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance in or outside the building or for placing meters upon any pipe or connection in or outside the building as he deems expedient, and, for that purpose or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or of any pipe, and may alter or disconnect any pipe. R.S.O. 1960, c. 122, s. 5 (10); 1961-62, c. 40, s. 2 (6). Idem

8. Where an emergency exists within the meaning of *The Emergency Measures Act, 1962-63*, the Minister may, notwithstanding anything in this or any other Act, make such orders as he considers necessary to maintain the supply of gas to the public or any class or classes thereof. R.S.O. 1960, c. 122, s. 6, *amended*. Emergency measures 1962-63, c. 41

9.—(1) Every person who, Offences

(*a*) contravenes any provision of this Act or the regulations;

(*b*) unduly wastes or causes to be unduly wasted any gas or oil;

(*c*) tampers or interferes with any work or appliance without authority to do so;

(*d*) knowingly makes a false statement in an application, return or statement or other material required under this Act or the regulations;

(*e*) fails to carry out the instructions of an inspector; or

(*f*) wilfully delays or obstructs an inspector in the execution of his duties under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $10,000 for each day over which the offence continues or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 122, s. 7 (1), *amended*.

Permission of Minister

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed by the regulations. R.S.O. 1960, c. 122, s. 7 (2).

Grant of licence, etc. 1964, c. ...

10.—(1) Subject to subsection 2 of section 6 of this Act and to section 21 of *The Ontario Energy Board Act, 1964*, the Minister may, in his discretion, with or without an examination of the applicant, grant or refuse to grant a licence or permit or effect or refuse to effect a registration, and he may, in granting a licence or permit or effecting a registration, impose such terms and conditions as he in his discretion deems proper, and, before granting a licence or permit or effecting a registration, he may refer the matter to the Board, and the Board shall hold a hearing and report to him thereon with its recommendations.

Renewal of licence, etc.

(2) The Minister may grant or refuse to grant a renewal of a licence in whole or in part, a renewal of a permit in whole or in part, or effect or refuse to effect a renewal of a registration in whole or in part, and he may, in granting a renewal of a licence or permit or in effecting a renewal of a registration, impose such terms and conditions as he in his discretion deems proper, but, where he refuses to grant a renewal of a licence or permit in whole or in part, or to effect a renewal of a registration in whole or in part, or, in granting a renewal of a licence or permit or effecting a renewal of a registration, imposes any term or condition that was not previously imposed, he shall, if requested by the applicant, refer the matter to the Board, and the Board shall hold a hearing and report to him thereon, and he shall grant or refuse to grant or effect or refuse to effect the renewal in accordance with the report.

Suspension of licences, etc.

(3) The Minister may in his discretion suspend a licence, permit or registration in whole or in part, or, at any time, impose on a licence, permit or registration such terms and

conditions as he in his discretion deems proper, but, before so doing, he may, or, after so doing, he shall, refer the matter to the Board, and the Board shall hold a hearing and report to him thereon, and he shall impose, continue or remove the suspension or impose, continue or remove the terms and conditions in whole or in part, or revoke the licence, permit or registration in whole or in part, in accordance with the report. 1960-61, c. 23, s. 2, *amended*.

Notice re revocation or suspension

(4) Where a licence, permit or registration has had terms or conditions imposed on it or is revoked or suspended in whole or in part, the Minister shall notify the holder in writing at his last known address, by registered mail, of the imposition, revocation or suspension, and the holder shall forthwith forward to the Minister his licence, permit or registration certificate so that the terms or conditions or the revocation or suspension may be recorded thereon. *New*.

Drilling and production regulations

11.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) for the conservation of gas or oil;

(*b*) prescribing areas where drilling for gas or oil is prohibited; R.S.O. 1960, c. 122, s. 9 (1), pars. 1, 2.

(*c*) prescribing statutory conditions of gas or oil leases and requiring and providing for the making of statements or reports thereon; R.S.O. 1960, c. 122, s. 9 (1), par. 4.

(*d*) regulating the location and spacing of wells;

(*e*) prescribing the methods, equipment and materials to be used in boring, drilling, completing or operating wells;

(*f*) requiring the keeping of drilling and production samples;

(*g*) requiring persons who drill wells to furnish reports, returns, geological and other information and samples;

(*h*) requiring dry or abandoned wells to be plugged or replugged, and prescribing the methods, equipment and materials to be used in plugging or replugging wells;

(*i*) prescribing the methods, equipment and materials to be used in shutting in wells; R.S.O. 1960, c. 122, s. 9 (1), pars. 6-11.

(*j*) to provide for the designation of spacing units and regulating the location of wells in spacing units; 1961-62, c. 40, s. 3 (1), *amended.*

(*k*) regulating the use of wells for the disposal of waste substances. R.S.O. 1960, c. 122, s. 9 (1), par. 16.

Transmission and distribution regulations

(2) The Lieutenant Governor in Council may make regulations,

(*a*) regulating the conditions of agreements between distributors and consumers; R.S.O. 1960, c. 122, s. 9 (1), par. 18.

(*b*) prescribing classes of appliances and regulating the type, design, construction, installation, repair, maintenance, replacement, inspection, use or removal of them, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 19, *amended.*

(*c*) prohibiting the sale, installation or use of appliances, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 20.

(*d*) designating organizations to test appliances to specifications approved by the Minister, and, where the appliances conform to the specifications, to place their label thereon; 1961-62, c. 40, s. 3 (2).

(*e*) requiring and providing for the inspection of appliances by distributors, and prescribing the frequency with which and the manner in which such inspection shall be made; R.S.O. 1960, c. 122, s. 9 (1), par. 23.

(*f*) prescribing the classes of contractors and requiring and providing for the registration of them, or any class of them, and prescribing their supervisory responsibilities; R.S.O. 1960, c. 122, s. 9 (1), par. 25, *amended.*

(*g*) providing for the registration of persons or classes of persons who may inspect, install, repair, service or remove gas appliances or pipe lines, and prescribing their supervisory responsibilities; 1960-61, c. 23, s. 3 (3), *amended.*

(*h*) prescribing classes of meters and requiring and providing for the registration of meters, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 26.

(*i*) exempting any appliances, or any class of them, from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 40.

(*j*) regulating the installation, use, removal, storage, handling and filling of containers, including the piping and attachments thereto, for liquefied petroleum gas; *New.*

(*k*) prescribing the fee to be paid for the inspection of pipe lines and appliances, and prescribing by whom they shall be paid; R.S.O. 1960, c. 122, s. 9 (1), par. 29, *amended.*

(*l*) prescribing classes of transmitters and distributors. *New.*

General regulations

(3) The Lieutenant Governor in Council may make regulations,

(*a*) prescribing classes of hydrocarbons and classes of works; R.S.O. 1960, c. 122, s. 9 (1), par. 3, *amended.*

(*b*) regulating the construction, erection, alteration, installation, removal, operation or maintenance of any work or appliance, or any class thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 5.

(*c*) providing for the issue of licences, permits and labels; R.S.O. 1960, c. 122, s. 9 (1), par. 24.

(*d*) prescribing classes of licences, permits and labels, and prescribing the terms and conditions upon which licences, permits or labels may be issued or registrations made; R.S.O. 1960, c. 122, s. 9 (1), par. 27.

(*e*) prescribing the fee payable for any examination, licence, permit, label or registration; R.S.O. 1960, c. 122, s. 9 (1), par. 28; 1960-61, c. 23, s. 3 (4).

(*f*) requiring and providing for the bonding or insuring of holders of licences, permits or registration certificates;

(*g*) requiring and providing for guarantees or other security by bond or other means that works commenced under permit will be completed in accordance with this Act, the regulations or any order of the Board; R.S.O. 1960, c. 122, s. 9 (1), pars. 30, 31.

(*h*) creating a fund to be known as the Abandoned Works Fund for the completion or removal of works and prescribing the procedures for payment of money into and out of the funds, and authorizing the Minister to complete or remove works and to recover the cost of so doing; R.S.O. 1960, c. 122, s. 9 (1), par. 32; 1961-62, c. 40, s. 3 (3), *amended.*

(*i*) permitting the sale by the Crown of abandoned works and permitting the application of the proceeds of the sale to expenses incurred in the doing of anything required to be done to or with the works;

(*j*) permitting the Crown to cause anything to be done that the Board has ordered any person to do, and permitting the Crown to recover expenses from such person;

(*k*) prescribing forms and tags, and providing for their use; R.S.O. 1960, c. 122, s. 9 (1), pars. 33-35.

(*l*) requiring and providing for the keeping of records and the making of returns, statements or reports on the leasing, exploration, drilling for or production of gas or oil or the storage, distribution, transmission or manufacture of gas; R.S.O. 1960, c. 122, s. 9 (1), par. 36; 1961-62, c. 40, s. 3 (4).

(*m*) exempting any person or any class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 39.

(*n*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 122, s. 9 (1), par. 41.

Safety standards regulation

(4) The Lieutenant Governor in Council may make regulations regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, manufacture, processing, refining, storage, measurement and consumption of gas, oil or fuel oil and in the transmission, distribution and carriage by pipe line of any hydrocarbon or any class thereof. *New.*

(5) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. R.S.O. 1960, c. 122, s. 9 (2). Codes

(6) Any regulation may designate any organization to authorize the use of its label on any work or appliance that complies with its code. R.S.O. 1960, c. 122, s. 9 (3), *amended*. Labels

(7) Any regulation may be general or particular in its application. R.S.O. 1960, c. 122, s. 9 (4). Scope of regulations

12.—(1) In the event of conflict between this Act and any other general or special Act, this Act, subject only to *The Ontario Energy Board Act, 1964*, prevails. R.S.O. 1960, c. 122, s. 21 (1), *amended*. Conflict 1964, c. ...

(2) This Act and the regulations prevail over any by-law passed by a municipality. R.S.O. 1960, c. 122, s. 21 (2). Idem

13. *The Energy Act*, *The Energy Amendment Act, 1960-61* and *The Energy Amendment Act, 1961-62* are repealed. R.S.O. 1960, c. 122; 1960-61, c. 23; 1961-62, c. 40, repealed

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

15. This Act may be cited as *The Energy Act, 1964*. Short title

The Energy Act, 1964

1st Reading

February 24th, 1964

2nd Reading

3rd Reading

MR. SIMONETT

1964

BILL 48

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Energy Act, 1964

MR. SIMONETT

(Reprinted as amended by the Committee on Government Commissions)

TORONTO
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Explanatory Notes

Both *The Energy Act* and *The Ontario Energy Board Act* are being revised and up-dated in the light of experience in order to improve administration.

At present, the interpretation section of *The Energy Act* serves also as the interpretation section of *The Ontario Energy Board Act*. Hereafter both Acts will be self-contained in this respect.

A number of unused sections in the present Act have been removed. A number of sections have been transferred to *The Ontario Energy Board Act*, including all of the Part dealing with pipe lines.

Other provisions have been re-arranged and subdivided for greater convenience.

There are no fundamental changes in principle.

BILL 48 **1964**

The Energy Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

1. "appliance" means a device using only gas or fuel oil as fuel, and includes all vents, and all gas or fuel oil piping, tanks, containers and controls attached or to be attached thereto;

2. "Board" means the Ontario Energy Board;

3. "contractor" means a person,

   i. who carries on the business of installing, removing, repairing or servicing appliances, or

   ii. who sells and agrees to install appliances;

4. "Department" means the Department of Energy and Resources Management;

5. "distributor" means a person who supplies gas or fuel oil to a consumer, and "distribute" and "distribution" have corresponding meanings;

6. "fuel oil" means a hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 100°F.;

7. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;

8. "hydrocarbon" means a chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;

9. "inspector" means an inspector appointed under this Act;

10. "land" includes any interest in land;

11. "licence" means a licence issued under this Act;

12. "manufactured gas" includes a mixture of liquefied petroleum gas and air distributed by pipe line;

13. "Minister" means the Minister of Energy and Resources Management;

14. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;

15. "owner" includes a person who is a mortgagee, lessee, tenant and occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;

16. "permit" means a permit issued under this Act;

R.S.O. 1960, c. 191

17. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;

18. "pipe line" means a pipe that carries a hydrocarbon, other than undiluted liquefied petroleum gas, and includes every part thereof and adjunct thereto;

19. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;

20. "registered" means registered under this Act, and "registration" has a corresponding meaning;

21. "regulations" means the regulations made under this Act;

22. "storage company" means a person engaged in the business of storing gas;

23. "transmission line" means a pipe line, other than a production line, a distribution line, a pipe line within an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal or station;

24. "transmitter" means a person who carries a hydrocarbon by transmission line, and "transmit" and "transmission" have corresponding meanings;

25. "utility line" means a pipe line, telephone, telegraph, electric power or water line, or any other line that supplies a service or commodity to the public;

26. "well" means a well drilled or bored for gas or oil, and includes a hole drilled or bored for obtaining subsurface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well;

27. "work" means a well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil, or the transmission of a hydrocarbon or the manufacture of gas. R.S.O. 1960, c. 122, s. 1; 1961-62, c. 40, s. 1, *amended*.

Appointment of inspectors, 1961-62, c. 121

2.—(1) One or more inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Act. R.S.O. 1960, c. 122, s. 2 (1), *amended*.

Powers of inspector

(2) An inspector may, for the purposes of this Act and the regulations and for the purposes of any other Act or regulation that confers any function on an inspector,

(*a*) enter in or upon, take up or use any property, real or personal, at any time;

(*b*) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations, and examine and copy it;

(*c*) make such examinations, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with; and

(*d*) exercise such other powers and do such other acts and things as are necessary for the carrying out of this Act and the regulations.

Idem

(3) The owner of any property and his servants, agents and employees shall furnish all means in his or their power required by the inspector for entry, inspection, testing and inquiry in the exercise of his powers and duties.

Inspector's instructions

(4) An inspector may give instructions orally or in writing to any person with respect to any matter or thing regulated, controlled or required by this Act or the regulations or by any order of the Board and may require that his instructions be carried out within such time as he specifies.

Written instructions

(5) If a person to whom an inspector gives oral instructions under subsection 4 requests that the instructions be put in writing, the inspector shall put the instructions in writing.

Not required to testify

(6) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty, except with the written permission of the Minister.

No personal liability

(7) No inspector is personally liable for anything done by him under the authority of this Act or the regulations. R.S.O. 1960, c. 122, s. 2 (2-7).

Inspectors may tag works

3.—(1) An inspector may tag a work or appliance in relation to which he has reason to believe that an offence against this Act or the regulations has been, is being, or is about to be, committed by attaching a tag in the prescribed form to some part of the work or appliance.

Idem

(2) An inspector who has tagged a work or appliance shall forthwith notify in writing the person who appears to have the care or custody of the work or appliance of such tagging.

Tag not to be removed

(3) No person, other than an inspector, shall alter, deface or destroy such a tag, and no person, other than an inspector or a registered contractor who has remedied or repaired the work or appliance in accordance with requirements of the inspector, shall remove such a tag.

Tag to be forwarded to inspector

(4) Where such a tag is removed by a registered contractor, he shall endorse his name and address thereon and forward the tag by registered mail to the inspector who attached the tag.

(5) Except when authorized by an inspector, no person shall operate, or remove hydrocarbons from, or knowingly supply hydrocarbons to, or use in any manner whatsoever, a work or appliance that has been tagged. R.S.O. 1960, c. 122, s. 3. Work not to be used

4.—(1) One or more chief inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Act. Chief inspectors 1961-62, c. 121

(2) A person who has just cause to believe that to comply with, Appeal to chief inspector

(*a*) an instruction given under subsection 4 of section 2; or

(*b*) a tag attached under section 3,

would cause physical injury to any person or would cause an unreasonable interference with the property or services of any person may appeal to a chief inspector by giving forthwith oral notice thereof to a chief inspector. R.S.O. 1960, c. 122, s. 4 (1, 2), *amended.*

(3) Such oral notice may be given by telephone. Idem

(4) The chief inspector so notified may vary, rescind or confirm the instruction or instruct the removal of or compliance with the tag. R.S.O. 1960, c. 122, s. 4 (3, 4). Idem

5.—(1) No person shall, No exploring, leasing or producing without licence

(*a*) conduct a geophysical or geochemical exploration for gas or oil; or

(*b*) lease gas or oil rights from an owner other than the Crown; or

(*c*) produce gas or oil,

unless he is the holder of a licence for such purpose, but the failure on the part of any person to comply with this subsection does not affect the validity of any contract. R.S.O. 1960, c. 122, s. 5 (1), *amended.*

(2) No person shall operate a machine for boring or drilling wells unless the machine is licensed. R.S.O. 1960, c. 122, s. 5 (2). No well-drilling machine to be operated without licence

No well to be bored, etc., without permit

(3) No person shall bore, drill or deepen a well unless he is the holder of a permit for such purposes. R.S.O. 1960, c. 122, s. 5 (3), *amended.*

No gas to be injected, etc., without permit

6.—(1) Subject to the regulations, no person shall repressure, maintain pressure in or flood any gas or oil horizon by the injection of gas, oil, water or other substance unless he is the holder of a permit for such purpose, but this prohibition does not apply to a person who injects gas in a designated gas storage area. 1960-61, c. 23, s. 1, *part, amended.*

Reference to Board

(2) If, in the opinion of the Minister, the special circumstances of a case so require, he may refer an application for a permit to repressure, maintain pressure in or flood a gas or oil horizon to the Board, and the Board shall report to the Minister thereon, but, where, in the opinion of the Board, the special circumstances of the case so require, the Board shall hold a hearing before reporting to the Minister, and in either event the Minister shall grant or refuse to grant the permit in accordance with the report. *New.*

No transmission or distribution without licence

7.—(1) No person shall,

(*a*) transmit gas;

(*b*) transmit fuel oil;

(*c*) transmit a hydrocarbon other than gas or fuel oil;

(*d*) distribute gas;

(*e*) distribute fuel oil; or

(*f*) transfer liquefied petroleum gas to a pressure vessel,

unless he is the holder of a licence for such purpose, but the failure on the part of a person to comply with this subsection does not affect the validity of any contract. *New.*

No sale, etc., of appliances without label

(2) Subject to the regulations, no person shall buy, sell or install an appliance that does not bear the label of an organization designated in the regulations or a label issued by the Minister. 1961-62, c. 40, s. 2 (5), *amended.*

Registered contractors to install, etc., appliances

(3) Subject to the regulations, no person, other than a registered contractor, his employee or agent, shall install, repair, service or remove an appliance or any class or classes thereof. R.S.O. 1960, c. 122, s. 5 (6).

(4) Subject to the regulations, no person shall install, repair, service or remove or permit or cause to be installed, repaired, serviced or removed an appliance unless the installation, repair, service or removal is done by or under the supervision of a person who is registered for such purposes. 1960-61, c. 23, s. 1, *part, amended.* Idem

(5) No person shall connect or have connected an appliance to a supply by pipe line of gas or fuel oil without first giving notice to the distributor of the gas or fuel oil of the address of the premises at which the installation is to be made and the type of appliance to be connected. Idem

(6) Where a premises is connected for the first time to a supply by pipe line of gas or fuel oil, no person shall use an appliance connected to the supply of gas or fuel oil until the distributor of the gas or fuel oil has inspected the appliance. R.S.O. 1960, c. 122, s. 5 (7, 8), *amended.* Inspection by distributor

(7) A distributor shall have free access, at all reasonable times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas or fuel oil is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance in or outside the building or for placing meters upon any pipe or connection in or outside the building as he deems expedient, and, for that purpose or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or of any pipe, and may alter or disconnect any pipe. R.S.O. 1960, c. 122, s. 5 (10); 1961-62, c. 40, s. 2 (6). Idem

8. Where an emergency exists within the meaning of *The Emergency Measures Act, 1962-63*, the Minister may, notwithstanding anything in this or any other Act, make such orders as he considers necessary to maintain the supply of gas to the public or any class or classes thereof. R.S.O. 1960, c. 122, s. 6, *amended.* Emergency measures 1962-63, c. 41

9.—(1) Every person who, Offences

(*a*) contravenes any provision of this Act or the regulations;

(*b*) unduly wastes or causes to be unduly wasted any gas or oil;

(*c*) tampers or interferes with any work or appliance without authority to do so;

(*d*) knowingly makes a false statement in an application, return or statement or other material required under this Act or the regulations;

(*e*) fails to carry out the instructions of an inspector; or

(*f*) wilfully delays or obstructs an inspector in the execution of his duties under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $10,000 for each day over which the offence continues or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 122, s. 7 (1), *amended.*

Permission of Minister

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed by the regulations. R.S.O. 1960, c. 122, s. 7 (2).

Grant of licence, etc. 1964, c. ...

10.—(1) Subject to subsection 2 of section 6 of this Act and to section 21 of *The Ontario Energy Board Act, 1964*, the Minister may, in his discretion, with or without an examination of the applicant, grant or refuse to grant a licence or permit or effect or refuse to effect a registration, and he may, in granting a licence or permit or effecting a registration, impose such terms and conditions as he in his discretion deems proper, and, before granting a licence or permit or effecting a registration, he may refer the matter to the Board, and the Board shall hold a hearing and report to him thereon with its recommendations.

Renewal of licence, etc.

(2) The Minister may grant or refuse to grant a renewal of a licence in whole or in part, a renewal of a permit in whole or in part, or effect or refuse to effect a renewal of a registration in whole or in part, and he may, in granting a renewal of a licence or permit or in effecting a renewal of a registration, impose such terms and conditions as he in his discretion deems proper, but, where he refuses to grant a renewal of a licence or permit in whole or in part, or to effect a renewal of a registration in whole or in part, or, in granting a renewal of a licence or permit or effecting a renewal of a registration, imposes any term or condition that was not previously imposed, he shall, if requested by the applicant, refer the matter to the Board, and the Board shall hold a hearing and report to him thereon, and he shall grant or refuse to grant or effect or refuse to effect the renewal in accordance with the report.

Suspension of licences, etc.

(3) The Minister may in his discretion suspend a licence, permit or registration in whole or in part, or, at any time, impose on a licence, permit or registration such terms and

conditions as he in his discretion deems proper, but, before so doing, he may, or, after so doing, he shall, refer the matter to the Board, and the Board shall hold a hearing and report to him thereon, and he shall impose, continue or remove the suspension or impose, continue or remove the terms and conditions in whole or in part, or revoke the licence, permit or registration in whole or in part, in accordance with the report. 1960-61, c. 23, s. 2, *amended*.

Notice re revocation or suspension

(4) Where a licence, permit or registration has had terms or conditions imposed on it or is revoked or suspended in whole or in part, the Minister shall notify the holder in writing at his last known address, by registered mail, of the imposition, revocation or suspension, and the holder shall forthwith forward to the Minister his licence, permit or registration certificate so that the terms or conditions or the revocation or suspension may be recorded thereon. *New*.

Drilling and production regulations

11.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) for the conservation of gas or oil;

(*b*) prescribing areas where drilling for gas or oil is prohibited; R.S.O. 1960, c. 122, s. 9 (1), pars. 1, 2.

(*c*) prescribing statutory conditions of gas or oil leases and requiring and providing for the making of statements or reports thereon; R.S.O. 1960, c. 122, s. 9 (1), par. 4.

(*d*) regulating the location and spacing of wells;

(*e*) prescribing the methods, equipment and materials to be used in boring, drilling, completing or operating wells;

(*f*) requiring the keeping of drilling and production samples;

(*g*) requiring persons who drill wells to furnish reports, returns, geological and other information and samples;

(*h*) requiring dry or abandoned wells to be plugged or replugged, and prescribing the methods, equipment and materials to be used in plugging or replugging wells;

(*i*) prescribing the methods, equipment and materials to be used in shutting in wells; R.S.O. 1960, c. 122, s. 9 (1), pars. 6-11.

(*j*) to provide for the designation of spacing units and regulating the location of wells in spacing units; 1961-62, c. 40, s. 3 (1), *amended*.

(*k*) regulating the use of wells for the disposal of waste substances. R.S.O. 1960, c. 122, s. 9 (1), par. 16.

Transmission and distribution regulations

(2) The Lieutenant Governor in Council may make regulations,

(*a*) regulating the conditions of agreements between distributors and consumers; R.S.O. 1960, c. 122, s. 9 (1), par. 18.

(*b*) prescribing classes of appliances and regulating the type, design, construction, installation, repair, maintenance, replacement, inspection, use or removal of them, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 19, *amended*.

(*c*) prohibiting the sale, installation or use of appliances, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 20.

(*d*) designating organizations to test appliances to specifications approved by the Minister, and, where the appliances conform to the specifications, to place their label thereon; 1961-62, c. 40, s. 3 (2).

(*e*) requiring and providing for the inspection of appliances by distributors, and prescribing the frequency with which and the manner in which such inspection shall be made; R.S.O. 1960, c. 122, s. 9 (1), par. 23.

(*f*) prescribing the classes of contractors and requiring and providing for the registration of them, or any class of them, and prescribing their supervisory responsibilities; R.S.O. 1960, c. 122, s. 9 (1), par. 25, *amended*.

(*g*) providing for the registration of persons or classes of persons who may inspect, install, repair, service or remove gas appliances or pipe lines, and prescribing the acts that such persons must perform personally; 1960-61, c. 23, s. 3 (3), *amended*.

(*h*) prescribing classes of meters and requiring and providing for the registration of meters, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 26.

(*i*) exempting any appliances, or any class of them, from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 40.

(*j*) regulating the installation, use, removal, storage, handling and filling of containers, including the piping and attachments thereto, for liquefied petroleum gas; *New.*

(*k*) prescribing the fee to be paid for the inspection of pipe lines and appliances, and prescribing by whom they shall be paid; R.S.O. 1960, c. 122, s. 9 (1), par. 29, *amended.*

(*l*) prescribing classes of transmitters and distributors. *New.*

General regulations

(3) The Lieutenant Governor in Council may make regulations,

(*a*) prescribing classes of hydrocarbons and classes of works; R.S.O. 1960, c. 122, s. 9 (1), par. 3, *amended.*

(*b*) regulating the construction, erection, alteration, installation, removal, operation or maintenance of any work or appliance, or any class thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 5.

(*c*) providing for the issue of licences, permits and labels; R.S.O. 1960, c. 122, s. 9 (1), par. 24.

(*d*) prescribing classes of licences, permits and labels, and prescribing the terms and conditions upon which licences, permits or labels may be issued or registrations made; R.S.O. 1960, c. 122, s. 9 (1), par. 27.

(*e*) prescribing the fee payable for any examination, licence, permit, label or registration; R.S.O. 1960, c. 122, s. 9 (1), par. 28; 1960-61, c. 23, s. 3 (4).

(*f*) requiring and providing for the bonding or insuring of holders of licences, permits or registration certificates;

(*g*) requiring and providing for guarantees or other security by bond or other means that works commenced under permit will be completed in accordance with this Act, the regulations or any order of the Board; R.S.O. 1960, c. 122, s. 9 (1), pars. 30, 31.

(*h*) creating a fund to be known as the Abandoned Works Fund for the completion or removal of works and prescribing the procedures for payment of money into and out of the funds, and authorizing the Minister to complete or remove works and to recover the cost of so doing; R.S.O. 1960, c. 122, s. 9 (1), par. 32; 1961-62, c. 40, s. 3 (3), *amended*.

(*i*) permitting the sale by the Crown of abandoned works and permitting the application of the proceeds of the sale to expenses incurred in the doing of anything required to be done to or with the works;

(*j*) permitting the Crown to cause anything to be done that the Board has ordered any person to do, and permitting the Crown to recover expenses from such person;

(*k*) prescribing forms and tags, and providing for their use; R.S.O. 1960, c. 122, s. 9 (1), pars. 33-35.

(*l*) requiring and providing for the keeping of records and the making of returns, statements or reports on the leasing, exploration, drilling for or production of gas or oil or the storage, distribution, transmission or manufacture of gas; R.S.O. 1960, c. 122, s. 9 (1), par. 36; 1961-62, c. 40, s. 3 (4).

(*m*) exempting any person or any class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 39.

(*n*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 122, s. 9 (1), par. 41.

Safety standards regulation

(4) The Lieutenant Governor in Council may make regulations regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, manufacture, processing, refining, storage, measurement and consumption of gas, oil or fuel oil and in the transmission, distribution and carriage by pipe line of any hydrocarbon or any class thereof. *New.*

(5) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. R.S.O. 1960, c. 122, s. 9 (2). Codes

(6) Any regulation may designate any organization to authorize the use of its label on any work or appliance that complies with its code. R.S.O. 1960, c. 122, s. 9 (3), *amended*. Labels

(7) Any regulation may be general or particular in its application. R.S.O. 1960, c. 122, s. 9 (4). Scope of regulations

12.—(1) In the event of conflict between this Act and any other general or special Act, this Act, subject only to *The Ontario Energy Board Act, 1964*, prevails. R.S.O. 1960, c. 122, s. 21 (1), *amended*. Conflict 1964, c. ...

(2) This Act and the regulations prevail over any by-law passed by a municipality. R.S.O. 1960, c. 122, s. 21 (2). Idem

13. *The Energy Act*, *The Energy Amendment Act, 1960-61* and *The Energy Amendment Act, 1961-62* are repealed. R.S.O. 1960, c. 122; 1960-61, c. 23; 1961-62, c. 40, repealed

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

15. This Act may be cited as *The Energy Act, 1964*. Short title

BILL 48

The Energy Act, 1964

1st Reading

February 24th, 1964

2nd Reading

March 9th, 1964

3rd Reading

MR. SIMONETT

(Reprinted as amended by the Committee on Government Commissions)

1964

BILL 48

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

The Energy Act, 1964

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 48 **1964**

The Energy Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

1. "appliance" means a device using only gas or fuel oil as fuel, and includes all vents, and all gas or fuel oil piping, tanks, containers and controls attached or to be attached thereto;

2. "Board" means the Ontario Energy Board;

3. "contractor" means a person,

   i. who carries on the business of installing, removing, repairing or servicing appliances, or

   ii. who sells and agrees to install appliances;

4. "Department" means the Department of Energy and Resources Management;

5. "distributor" means a person who supplies gas or fuel oil to a consumer, and "distribute" and "distribution" have corresponding meanings;

6. "fuel oil" means a hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 100°F.;

7. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;

8. "hydrocarbon" means a chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;

9. "inspector" means an inspector appointed under this Act;

10. "land" includes any interest in land;

11. "licence" means a licence issued under this Act;

12. "manufactured gas" includes a mixture of liquefied petroleum gas and air distributed by pipe line;

13. "Minister" means the Minister of Energy and Resources Management;

14. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;

15. "owner" includes a person who is a mortgagee, lessee, tenant and occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;

16. "permit" means a permit issued under this Act;

R.S.O. 1960, c. 191

17. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;

18. "pipe line" means a pipe that carries a hydrocarbon, other than undiluted liquefied petroleum gas, and includes every part thereof and adjunct thereto;

19. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;

20. "registered" means registered under this Act, and "registration" has a corresponding meaning;

21. "regulations" means the regulations made under this Act;

22. "storage company" means a person engaged in the business of storing gas;

23. "transmission line" means a pipe line, other than a production line, a distribution line, a pipe line within an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal or station;

24. "transmitter" means a person who carries a hydrocarbon by transmission line, and "transmit" and "transmission" have corresponding meanings;

25. "utility line" means a pipe line, telephone, telegraph, electric power or water line, or any other line that supplies a service or commodity to the public;

26. "well" means a well drilled or bored for gas or oil, and includes a hole drilled or bored for obtaining subsurface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well;

27. "work" means a well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil, or the transmission of a hydrocarbon or the manufacture of gas. R.S.O. 1960, c. 122, s. 1; 1961-62, c. 40, s. 1, *amended.*

Appointment of inspectors 1961-62, c. 121

2.—(1) One or more inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Act. R.S.O. 1960, c. 122, s. 2 (1), *amended.*

Powers of inspector

(2) An inspector may, for the purposes of this Act and the regulations and for the purposes of any other Act or regulation that confers any function on an inspector,

(*a*) enter in or upon, take up or use any property, real or personal, at any time;

(*b*) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations, and examine and copy it;

(*c*) make such examinations, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with; and

(*d*) exercise such other powers and do such other acts and things as are necessary for the carrying out of this Act and the regulations.

Idem

(3) The owner of any property and his servants, agents and employees shall furnish all means in his or their power required by the inspector for entry, inspection, testing and inquiry in the exercise of his powers and duties.

Inspector's instructions

(4) An inspector may give instructions orally or in writing to any person with respect to any matter or thing regulated, controlled or required by this Act or the regulations or by any order of the Board and may require that his instructions be carried out within such time as he specifies.

Written instructions

(5) If a person to whom an inspector gives oral instructions under subsection 4 requests that the instructions be put in writing, the inspector shall put the instructions in writing.

Not required to testify

(6) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty, except with the written permission of the Minister.

No personal liability

(7) No inspector is personally liable for anything done by him under the authority of this Act or the regulations. R.S.O. 1960, c. 122, s. 2 (2-7).

Inspectors may tag works

3.—(1) An inspector may tag a work or appliance in relation to which he has reason to believe that an offence against this Act or the regulations has been, is being, or is about to be, committed by attaching a tag in the prescribed form to some part of the work or appliance.

Idem

(2) An inspector who has tagged a work or appliance shall forthwith notify in writing the person who appears to have the care or custody of the work or appliance of such tagging.

Tag not to be removed

(3) No person, other than an inspector, shall alter, deface or destroy such a tag, and no person, other than an inspector or a registered contractor who has remedied or repaired the work or appliance in accordance with requirements of the inspector, shall remove such a tag.

Tag to be forwarded to inspector

(4) Where such a tag is removed by a registered contractor, he shall endorse his name and address thereon and forward the tag by registered mail to the inspector who attached the tag.

(5) Except when authorized by an inspector, no person shall operate, or remove hydrocarbons from, or knowingly supply hydrocarbons to, or use in any manner whatsoever, a work or appliance that has been tagged. R.S.O. 1960, c. 122, s. 3. Work not to be used

4.—(1) One or more chief inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Act. Chief inspectors 1961-62, c. 121

(2) A person who has just cause to believe that to comply with, Appeal to chief inspector

(*a*) an instruction given under subsection 4 of section 2; or

(*b*) a tag attached under section 3,

would cause physical injury to any person or would cause an unreasonable interference with the property or services of any person may appeal to a chief inspector by giving forthwith oral notice thereof to a chief inspector. R.S.O. 1960, c. 122, s. 4 (1, 2), *amended.*

(3) Such oral notice may be given by telephone. Idem

(4) The chief inspector so notified may vary, rescind or confirm the instruction or instruct the removal of or compliance with the tag. R.S.O. 1960, c. 122, s. 4 (3, 4). Idem

5.—(1) No person shall, No exploring, leasing or producing without licence

(*a*) conduct a geophysical or geochemical exploration for gas or oil; or

(*b*) lease gas or oil rights from an owner other than the Crown; or

(*c*) produce gas or oil,

unless he is the holder of a licence for such purpose, but the failure on the part of any person to comply with this subsection does not affect the validity of any contract. R.S.O. 1960, c. 122, s. 5 (1), *amended.*

(2) No person shall operate a machine for boring or drilling wells unless the machine is licensed. R.S.O. 1960, c. 122, s. 5 (2). No well-drilling machine to be operated without licence

No well to be bored, etc., without permit

(3) No person shall bore, drill or deepen a well unless he is the holder of a permit for such purposes. R.S.O. 1960, c. 122, s. 5 (3), *amended.*

No gas to be injected, etc., without permit

6.—(1) Subject to the regulations, no person shall repressure, maintain pressure in or flood any gas or oil horizon by the injection of gas, oil, water or other substance unless he is the holder of a permit for such purpose, but this prohibition does not apply to a person who injects gas in a designated gas storage area. 1960-61, c. 23, s. 1, *part, amended.*

Reference to Board

(2) If, in the opinion of the Minister, the special circumstances of a case so require, he may refer an application for a permit to repressure, maintain pressure in or flood a gas or oil horizon to the Board, and the Board shall report to the Minister thereon, but, where, in the opinion of the Board, the special circumstances of the case so require, the Board shall hold a hearing before reporting to the Minister, and in either event the Minister shall grant or refuse to grant the permit in accordance with the report. *New.*

No transmission or distribution without licence

7.—(1) No person shall,

(*a*) transmit gas;

(*b*) transmit fuel oil;

(*c*) transmit a hydrocarbon other than gas or fuel oil;

(*d*) distribute gas;

(*e*) distribute fuel oil; or

(*f*) transfer liquefied petroleum gas to a pressure vessel,

unless he is the holder of a licence for such purpose, but the failure on the part of a person to comply with this subsection does not affect the validity of any contract. *New.*

No sale, etc., of appliances without label

(2) Subject to the regulations, no person shall buy, sell or install an appliance that does not bear the label of an organization designated in the regulations or a label issued by the Minister. 1961-62, c. 40, s. 2 (5), *amended.*

Registered contractors to install, etc., appliances

(3) Subject to the regulations, no person, other than a registered contractor, his employee or agent, shall install, repair, service or remove an appliance or any class or classes thereof. R.S.O. 1960, c. 122, s. 5 (6).

(4) Subject to the regulations, no person shall install, repair, service or remove or permit or cause to be installed, repaired, serviced or removed an appliance unless the installation, repair, service or removal is done by or under the supervision of a person who is registered for such purposes. 1960-61, c. 23, s. 1, *part, amended.* Idem

(5) No person shall connect or have connected an appliance to a supply by pipe line of gas or fuel oil without first giving notice to the distributor of the gas or fuel oil of the address of the premises at which the installation is to be made and the type of appliance to be connected. Idem

(6) Where a premises is connected for the first time to a supply by pipe line of gas or fuel oil, no person shall use an appliance connected to the supply of gas or fuel oil until the distributor of the gas or fuel oil has inspected the appliance. R.S.O. 1960, c. 122, s. 5 (7, 8), *amended.* Inspection by distributor

(7) A distributor shall have free access, at all reasonable times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas or fuel oil is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance in or outside the building or for placing meters upon any pipe or connection in or outside the building as he deems expedient, and, for that purpose or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or of any pipe, and may alter or disconnect any pipe. R.S.O. 1960, c. 122, s. 5 (10); 1961-62, c. 40, s. 2 (6). Idem

8. Where an emergency exists within the meaning of *The Emergency Measures Act, 1962-63*, the Minister may, notwithstanding anything in this or any other Act, make such orders as he considers necessary to maintain the supply of gas to the public or any class or classes thereof. R.S.O. 1960, c. 122, s. 6, *amended.* Emergency measures 1962-63, c. 41

9.—(1) Every person who, Offences

(*a*) contravenes any provision of this Act or the regulations;

(*b*) unduly wastes or causes to be unduly wasted any gas or oil;

(*c*) tampers or interferes with any work or appliance without authority to do so;

(*d*) knowingly makes a false statement in an application, return or statement or other material required under this Act or the regulations;

(*e*) fails to carry out the instructions of an inspector; or

(*f*) wilfully delays or obstructs an inspector in the execution of his duties under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $10,000 for each day over which the offence continues or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 122, s. 7 (1), *amended*.

Permission of Minister

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed by the regulations. R.S.O. 1960, c. 122, s. 7 (2).

Grant of licence, etc. 1964, c. ...

10.—(1) Subject to subsection 2 of section 6 of this Act and to section 21 of *The Ontario Energy Board Act, 1964*, the Minister may, in his discretion, with or without an examination of the applicant, grant or refuse to grant a licence or permit or effect or refuse to effect a registration, and he may, in granting a licence or permit or effecting a registration, impose such terms and conditions as he in his discretion deems proper, and, before granting a licence or permit or effecting a registration, he may refer the matter to the Board, and the Board shall hold a hearing and report to him thereon with its recommendations.

Renewal of licence, etc.

(2) The Minister may grant or refuse to grant a renewal of a licence in whole or in part, a renewal of a permit in whole or in part, or effect or refuse to effect a renewal of a registration in whole or in part, and he may, in granting a renewal of a licence or permit or in effecting a renewal of a registration, impose such terms and conditions as he in his discretion deems proper, but, where he refuses to grant a renewal of a licence or permit in whole or in part, or to effect a renewal of a registration in whole or in part, or, in granting a renewal of a licence or permit or effecting a renewal of a registration, imposes any term or condition that was not previously imposed, he shall, if requested by the applicant, refer the matter to the Board, and the Board shall hold a hearing and report to him thereon, and he shall grant or refuse to grant or effect or refuse to effect the renewal in accordance with the report.

Suspension of licences, etc.

(3) The Minister may in his discretion suspend a licence, permit or registration in whole or in part, or, at any time, impose on a licence, permit or registration such terms and

conditions as he in his discretion deems proper, but, before so doing, he may, or, after so doing, he shall, refer the matter to the Board, and the Board shall hold a hearing and report to him thereon, and he shall impose, continue or remove the suspension or impose, continue or remove the terms and conditions in whole or in part, or revoke the licence, permit or registration in whole or in part, in accordance with the report. 1960-61, c. 23, s. 2, *amended.*

Notice re revocation or suspension

(4) Where a licence, permit or registration has had terms or conditions imposed on it or is revoked or suspended in whole or in part, the Minister shall notify the holder in writing at his last known address, by registered mail, of the imposition, revocation or suspension, and the holder shall forthwith forward to the Minister his licence, permit or registration certificate so that the terms or conditions or the revocation or suspension may be recorded thereon. *New.*

Drilling and production regulations

11.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) for the conservation of gas or oil;

(*b*) prescribing areas where drilling for gas or oil is prohibited; R.S.O. 1960, c. 122, s. 9 (1), pars. 1, 2.

(*c*) prescribing statutory conditions of gas or oil leases and requiring and providing for the making of statements or reports thereon; R.S.O. 1960, c. 122, s. 9 (1), par. 4.

(*d*) regulating the location and spacing of wells;

(*e*) prescribing the methods, equipment and materials to be used in boring, drilling, completing or operating wells;

(*f*) requiring the keeping of drilling and production samples;

(*g*) requiring persons who drill wells to furnish reports, returns, geological and other information and samples;

(*h*) requiring dry or abandoned wells to be plugged or replugged, and prescribing the methods, equipment and materials to be used in plugging or replugging wells;

(*i*) prescribing the methods, equipment and materials to be used in shutting in wells; R.S.O. 1960, c. 122, s. 9 (1), pars. 6-11.

(*j*) to provide for the designation of spacing units and regulating the location of wells in spacing units; 1961-62, c. 40, s. 3 (1), *amended*.

(*k*) regulating the use of wells for the disposal of waste substances. R.S.O. 1960, c. 122, s. 9 (1), par. 16.

Transmission and distribution regulations

(2) The Lieutenant Governor in Council may make regulations,

(*a*) regulating the conditions of agreements between distributors and consumers; R.S.O. 1960, c. 122, s. 9 (1), par. 18.

(*b*) prescribing classes of appliances and regulating the type, design, construction, installation, repair, maintenance, replacement, inspection, use or removal of them, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 19, *amended*.

(*c*) prohibiting the sale, installation or use of appliances, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 20.

(*d*) designating organizations to test appliances to specifications approved by the Minister, and, where the appliances conform to the specifications, to place their label thereon; 1961-62, c. 40, s. 3 (2).

(*e*) requiring and providing for the inspection of appliances by distributors, and prescribing the frequency with which and the manner in which such inspection shall be made; R.S.O. 1960, c. 122, s. 9 (1), par. 23.

(*f*) prescribing the classes of contractors and requiring and providing for the registration of them, or any class of them, and prescribing their supervisory responsibilities; R.S.O. 1960, c. 122, s. 9 (1), par. 25, *amended*.

(*g*) providing for the registration of persons or classes of persons who may inspect, install, repair, service or remove gas appliances or pipe lines, and prescribing the acts that such persons must perform personally; 1960-61, c. 23, s. 3 (3), *amended*.

(*h*) prescribing classes of meters and requiring and providing for the registration of meters, or any class of them; R.S.O. 1960, c. 122, s. 9 (1), par. 26.

(*i*) exempting any appliances, or any class of them, from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 40.

(*j*) regulating the installation, use, removal, storage, handling and filling of containers, including the piping and attachments thereto, for liquefied petroleum gas; *New.*

(*k*) prescribing the fee to be paid for the inspection of pipe lines and appliances, and prescribing by whom they shall be paid; R.S.O. 1960, c. 122, s. 9 (1), par. 29, *amended.*

(*l*) prescribing classes of transmitters and distributors. *New.*

General regulations

(3) The Lieutenant Governor in Council may make regulations,

(*a*) prescribing classes of hydrocarbons and classes of works; R.S.O. 1960, c. 122, s. 9 (1), par. 3, *amended.*

(*b*) regulating the construction, erection, alteration, installation, removal, operation or maintenance of any work or appliance, or any class thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 5.

(*c*) providing for the issue of licences, permits and labels; R.S.O. 1960, c. 122, s. 9 (1), par. 24.

(*d*) prescribing classes of licences, permits and labels, and prescribing the terms and conditions upon which licences, permits or labels may be issued or registrations made; R.S.O. 1960, c. 122, s. 9 (1), par. 27.

(*e*) prescribing the fee payable for any examination, licence, permit, label or registration; R.S.O. 1960, c. 122, s. 9 (1), par. 28; 1960-61, c. 23, s. 3 (4).

(*f*) requiring and providing for the bonding or insuring of holders of licences, permits or registration certificates;

(*g*) requiring and providing for guarantees or other security by bond or other means that works commenced under permit will be completed in accordance with this Act, the regulations or any order of the Board; R.S.O. 1960, c. 122, s. 9 (1), pars. 30, 31.

(*h*) creating a fund to be known as the Abandoned Works Fund for the completion or removal of works and prescribing the procedures for payment of money into and out of the fund, and authorizing the Minister to complete or remove works and to recover the cost of so doing; R.S.O. 1960, c. 122, s. 9 (1), par. 32; 1961-62, c. 40, s. 3 (3), *amended.*

(*i*) permitting the sale by the Crown of abandoned works and permitting the application of the proceeds of the sale to expenses incurred in the doing of anything required to be done to or with the works;

(*j*) permitting the Crown to cause anything to be done that the Board has ordered any person to do, and permitting the Crown to recover expenses from such person;

(*k*) prescribing forms and tags, and providing for their use; R.S.O. 1960, c. 122, s. 9 (1), pars. 33-35.

(*l*) requiring and providing for the keeping of records and the making of returns, statements or reports on the leasing, exploration, drilling for or production of gas or oil or the storage, distribution, transmission or manufacture of gas; R.S.O. 1960, c. 122, s. 9 (1), par. 36; 1961-62, c. 40, s. 3 (4).

(*m*) exempting any person or any class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof; R.S.O. 1960, c. 122, s. 9 (1), par. 39.

(*n*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 122, s. 9 (1), par. 41.

Safety standards regulation

(4) The Lieutenant Governor in Council may make regulations regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, manufacture, processing, refining, storage, measurement and consumption of gas, oil or fuel oil and in the transmission, distribution and carriage by pipe line of any hydrocarbon or any class thereof. *New.*

(5) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. R.S.O. 1960, c. 122, s. 9 (2). Codes

(6) Any regulation may designate any organization to authorize the use of its label on any work or appliance that complies with its code. R.S.O. 1960, c. 122, s. 9 (3), *amended.* Labels

(7) Any regulation may be general or particular in its application. R.S.O. 1960, c. 122, s. 9 (4). Scope of regulations

12.—(1) In the event of conflict between this Act and any other general or special Act, this Act, subject only to *The Ontario Energy Board Act, 1964*, prevails. R.S.O. 1960, c. 122, s. 21 (1), *amended.* Conflict 1964, c. . . .

(2) This Act and the regulations prevail over any by-law passed by a municipality. R.S.O. 1960, c. 122, s. 21 (2). Idem

13. *The Energy Act, The Energy Amendment Act, 1960-61* and *The Energy Amendment Act, 1961-62* are repealed. R.S.O. 1960, c. 122; 1960-61, c. 23; 1961-62, c. 40, repealed

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

15. This Act may be cited as *The Energy Act, 1964.* Short title

BILL 48

The Energy Act, 1964

1st Reading

February 24th, 1964

2nd Reading

March 9th, 1964

3rd Reading

March 25th, 1964

MR. SIMONETT

1964

BILL 49

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The amendment includes a motor vehicle registered in the name of a municipality in the definition of "insured motor vehicle".

Section 2. The penalty for a person making a false statement in respect of the issuance or transfer of a permit is changed to provide for the suspension of his licence or permit.

Section 3. The subsections providing penalties for failure to produce evidence of insurance and for producing false evidence are amended to provide for suspension of licences, and to provide for the payment of the uninsured motor vehicle fee in cases where it has not been paid.

BILL 49 **1964**

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding "or" at the end of subclause iii and by adding thereto the following subclause: 1961-62, c. 84, s. 1, cl. *d*, amended

(iv) that is registered under *The Highway Traffic Act* in the name of a municipality. R.S.O. 1960, c. 172

2. Subsection 3 of section 2 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding at the end thereof "and in addition his licence or permit may be suspended for a period of not more than one year", so that the subsection shall read as follows: 1961-62, c. 84, s. 2, subs. 3, amended

(3) Every person who knowingly makes a false statement in respect of any matter upon the issuance or transfer of a permit under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500, and in addition his licence or permit may be suspended for a period of not more than one year. Offence for false statement

3. Subsections 3 and 4 of section 3 of *The Motor Vehicle Accident Claims Act, 1961-62* are repealed and the following substituted therefor: 1961-62, c. 84, s. 3, subss. 3, 4, re-enacted

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500, and in addition he may be required to file proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act*. Offence for failure to produce evidence R.S.O. 1960, c. 172

Offence for producing false evidence

(4) Every owner of a motor vehicle who produces false evidence when he is required to produce evidence under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500, and in addition his licence or permit may be suspended for a period of not more than one year and he may be required to file proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act.*

Payment of uninsured motor vehicle fee

(5) Where the owner of a motor vehicle is convicted of an offence under subsection 3 or 4 and he has not paid the uninsured motor vehicle fee for the current year in respect of such motor vehicle, he may be required to pay such fee unless he produces evidence that the motor vehicle was insured at the time the offence was committed.

Application of subss. 1, 3-5

(6) Subsections 1, 3, 4 and 5 do not apply to the owner of a motor vehicle that is registered in a country, state or province other than the Province of Ontario.

1961-62, c. 84, s. 5, subs. 5, re-enacted

4.—(1) Subsection 5 of section 5 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

Suspension of licence and permit

(5) Where payment is made under subsection 3, the driver's licence and owner's permit or permits of the person or persons to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until such person or persons have,

(*a*) repaid in full to the Fund the amount paid out; or

(*b*) commenced instalment repayments in accordance with an undertaking referred to in clause *b* of subsection 3 or the regulations under section 10; and

R.S.O. 1960, c. 172

(*c*) filed proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act.*

1961-62, c. 84, s. 5, subs. 6, amended

(2) Subsection 6 of the said section 5 is amended by inserting after "3" in the third line "or by the payment of instalments in accordance with the regulations under section 10", so that the subsection shall read as follows:

SECTION 4. The amendments are for the purpose of clarification.

SECTION 5. In order that a judgment may be paid out of the Fund, the Minister must be notified where the defendant does not enter an appearance, file a statement of defence or appear in person or by counsel. The amendment will require such notification where the defendant does not appear at an examination for discovery.

SECTION 6. Section 16 is revised to provide that a judgment may be obtained where the identity of the motor vehicle that caused the death or injury can be established but the identity of the driver operating the vehicle without the owner's consent cannot be established.

SECTION 7. Self-explanatory.

SECTION 8. The new section 26*a* provides for the disposition of fines for offences under *The Motor Vehicle Accident Claims Act, 1961-62* in the same manner as fines for offences under *The Highway Traffic Act*.

Suspension on default of payment

(6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 or by the payment of instalments in accordance with the regulations under section 10 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person.

1961-62, c. 84, s. 7, subs. 1, amended

5. Subsection 1 of section 7 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following clause:

(*ca*) the defendant did not appear in person at an examination for discovery.

1961-62, c. 84, s. 16, re-enacted

6. Section 16 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

All reasonable efforts to ascertain identity condition to granting judgment

16. In an action against the Registrar, a judgment against the Registrar shall not be granted unless the court in which the action is brought is satisfied that all reasonable efforts have been made by the parties, other than the Registrar, to ascertain the identity of the motor vehicle and of the owner and driver thereof, and that,

(*a*) in the case of actions under section 11, the identity of the motor vehicle and of the owner and driver thereof cannot be established; or

(*b*) in the case of actions under section 14, the identity of the driver of the motor vehicle that caused the death or injury cannot be established.

1961-62, c. 84, s. 22, amended

7. Section 22 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following subsection:

Interest

(6) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs.

1961-62, c. 84, amended

8. *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following section:

Disposition of fines R.S.O. 1960, c. 172

26*a*. For the purposes of section 151 of *The Highway Traffic Act*, offences under this Act shall be deemed to be offences under *The Highway Traffic Act*.

Commencement

9.—(1) This Act, except sections 7 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 7 and 8 shall be deemed to have come into force on the 1st day of July, 1962.

Short title

10. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1964.*

BILL 49

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

1st Reading

February 25th, 1964

2nd Reading

3rd Reading

MR. HASKETT

1964

BILL 49

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 49 **1964**

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding "or" at the end of subclause iii and by adding thereto the following subclause: 1961-62, c. 84, s. 1, cl. *d*, amended

(iv) that is registered under *The Highway Traffic Act* in the name of a municipality. R.S.O. 1960, c. 172

2. Subsection 3 of section 2 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding at the end thereof "and in addition his licence or permit may be suspended for a period of not more than one year", so that the subsection shall read as follows: 1961-62, c. 84, s. 2, subs. 3, amended

(3) Every person who knowingly makes a false statement in respect of any matter upon the issuance or transfer of a permit under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500, and in addition his licence or permit may be suspended for a period of not more than one year. Offence for false statement

3. Subsections 3 and 4 of section 3 of *The Motor Vehicle Accident Claims Act, 1961-62* are repealed and the following substituted therefor: 1961-62, c. 84, s. 3, subss. 3, 4, re-enacted

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500, and in addition he may be required to file proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act*. Offence for failure to produce evidence R.S.O. 1960, c. 172

Offence for producing false evidence

(4) Every owner of a motor vehicle who produces false evidence when he is required to produce evidence under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500, and in addition his licence or permit may be suspended for a period of not more than one year and he may be required to file proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act.*

Payment of uninsured motor vehicle fee

(5) Where the owner of a motor vehicle is convicted of an offence under subsection 3 or 4 and he has not paid the uninsured motor vehicle fee for the current year in respect of such motor vehicle, he may be required to pay such fee unless he produces evidence that the motor vehicle was insured at the time the offence was committed.

Application of subss. 1, 3-5

(6) Subsections 1, 3, 4 and 5 do not apply to the owner of a motor vehicle that is registered in a country, state or province other than the Province of Ontario.

1961-62, c. 84, s. 5, subs. 5, re-enacted

4.—(1) Subsection 5 of section 5 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

Suspension of licence and permit

(5) Where payment is made under subsection 3, the driver's licence and owner's permit or permits of the person or persons to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until such person or persons have,

(*a*) repaid in full to the Fund the amount paid out; or

(*b*) commenced instalment repayments in accordance with an undertaking referred to in clause *b* of subsection 3 or the regulations under section 10; and

R.S.O. 1960, c. 172

(*c*) filed proof of financial responsibility in accordance with Part XII of *The Highway Traffic Act.*

1961-62, c. 84, s. 5, subs. 6, amended

(2) Subsection 6 of the said section 5 is amended by inserting after "3" in the third line "or by the payment of instalments in accordance with the regulations under section 10", so that the subsection shall read as follows:

(6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 or by the payment of instalments in accordance with the regulations under section 10 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence and owner's permit or permits of such person. Suspension on default of payment

5. Subsection 1 of section 7 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following clause: 1961-62, c. 84, s. 7, subs. 1, amended

(*ca*) the defendant did not appear in person at an examination for discovery.

6. Section 16 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 84, s. 16, re-enacted

16. In an action against the Registrar, a judgment against the Registrar shall not be granted unless the court in which the action is brought is satisfied that all reasonable efforts have been made by the parties, other than the Registrar, to ascertain the identity of the motor vehicle and of the owner and driver thereof, and that, All reasonable efforts to ascertain identity condition to granting judgment

(*a*) in the case of actions under section 11, the identity of the motor vehicle and of the owner and driver thereof cannot be established; or

(*b*) in the case of actions under section 14, the identity of the driver of the motor vehicle that caused the death or injury cannot be established.

7. Section 22 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following subsection: 1961-62, c. 84, s. 22, amended

(6) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs. Interest

8. *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following section: 1961-62, c. 84, amended

26*a*. For the purposes of section 151 of *The Highway Traffic Act*, offences under this Act shall be deemed to be offences under *The Highway Traffic Act*. Disposition of fines R.S.O. 1960, c. 172

Commencement

9.—(1) This Act, except sections 7 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 7 and 8 shall be deemed to have come into force on the 1st day of July, 1962.

Short title

10. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1964.*

BILL 49

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

1st Reading

February 25th, 1964

2nd Reading

March 4th, 1964

3rd Reading

March 25th, 1964

MR. HASKETT

1964

BILL 50

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Anatomy Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendment corrects a typographical error made in the publication of the last revision of the Statutes.

BILL 50 **1964**

An Act to amend The Anatomy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 3 of *The Anatomy Act* is amended by striking out "necessary" in the third line and inserting in lieu thereof "unnecessary", so that the clause shall read as follows: R.S.O. 1960, c. 14, s. 3, subs. 1, cl. *a*, amended

(*a*) of a person that is found publicly exposed or sent to a morgue upon which a coroner after having viewed it deems an inquest unnecessary; or Disposal of certain bodies for study of anatomy

. . . . . .

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Anatomy Amendment Act, 1964.* Short title

Bill 58

An Act to amend The Anatomy Act

1st Reading

February 25th, 1964

2nd Reading

3rd Reading

Mr. Cass

1964

BILL 50

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Anatomy Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 50 **1964**

An Act to amend The Anatomy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 3 of *The Anatomy Act* is amended by striking out "necessary" in the third line and inserting in lieu thereof "unnecessary", so that the clause shall read as follows: R.S.O. 1960, c. 14, s. 3, subs. 1, cl. *a*, amended

(*a*) of a person that is found publicly exposed or sent to a morgue upon which a coroner after having viewed it deems an inquest unnecessary; or Disposal of certain bodies for study of anatomy

. . . . .

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Anatomy Amendment Act, 1964.* Short title

BILL 50

An Act to amend The Anatomy Act

1st Reading

February 25th, 1964

2nd Reading

March 4th, 1964

3rd Reading

March 25th, 1964

MR. CASS

1964

BILL 51

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Mining Act

MR. WARDROPE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The amendment prohibits the staking out or recording of a mining claim on land that is under litigation.

Section 2—Subsection 1. Sections 42, 43 and 44 of the Act provide a procedure by which lands or mining rights that are the property of the Crown may be withdrawn from and reopened for prospecting and staking out or sale or lease by the Lieutenant Governor in Council. The amendment provides a new procedure for such withdrawals and reopenings.

Subsection 2. Withdrawals and reopenings by or at the direction of the Minister or the Deputy Minister are validated to date.

BILL 51 **1964**

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Mining Act*, as amended by section 9 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 241, s. 37, amended

(*f*) while proceedings in respect thereto are pending before the Supreme Court, the Commissioner or a recorder.

2.—(1) Sections 42, 43 and 44 of *The Mining Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 42, re-enacted; ss. 43, 44, repealed

42.—(1) The Minister, or an officer appointed under this Act and designated by the Minister, may by an order signed by him, Withdrawal and re-opening of lands, etc.

(*a*) withdraw from prospecting and staking out and from sale or lease any lands, mining rights or surface rights that are the property of the Crown; and

(*b*) reopen for prospecting and staking out and for sale or lease any lands, mining rights or surface rights that have been withdrawn under this Act.

(2) Where the Minister or the officer makes an order under subsection 1, he shall within twenty-four hours of the date of the order mail a copy of the order to the recorder of the mining division in which the lands, mining rights or surface rights are situate. Copy of order sent to recorder

(3) Upon receipt of the copy of the order, the recorder shall forthwith post up in his office a notice of the order and file the copy of the order in his office. Filing copy of order

Lands, etc., withdrawn not to be prospected or worked

(4) Lands, mining rights or surface rights withdrawn under this section, until reopened by the Minister or the officer, shall remain withdrawn, and shall not be prospected, staked out, occupied or worked except under subsection 5.

Working on behalf of Crown

(5) The Lieutenant Governor in Council may direct that the mines and minerals in lands, mining rights or surface rights, or in any part thereof, withdrawn under this section may be worked by or on behalf of the Crown.

Order not a regulation R.S.O. 1960, c. 349

(6) An order under subsection 1 shall be deemed not to be a regulation within the meaning of *The Regulations Act*.

Previous withdrawals and re-openings validated R.S.O. 1960, c. 241

(2) Every withdrawal or reopening of lands, mining rights or surface rights heretofore made under *The Mining Act* by or at the direction of the Minister or the Deputy Minister shall be deemed to be valid, notwithstanding that such withdrawal or reopening would, but for this subsection, be invalid or void.

R.S.O. 1960, c. 241, s. 47, repealed

3.—(1) Section 47 of *The Mining Act*, as amended by section 11 of *The Mining Amendment Act, 1962-63*, is repealed.

Saving

(2) Notwithstanding subsection 1, section 47 of *The Mining Act* continues in force in respect of leases made before this Act comes into force.

R.S.O. 1960, c. 241, s. 52, subss. 5, 6, 9, repealed

4.—(1) Subsections 5, 6 and 9 of section 52 of *The Mining Act* are repealed.

R.S.O. 1960, c. 241, s. 52, subss. 7, 8 (1962-63, c. 84, s. 12, subs. 2), repealed

(2) Subsections 7 and 8 of the said section 52, as re-enacted by subsection 2 of section 12 of *The Mining Amendment Act, 1962-63*, are repealed.

R.S.O. 1960, c. 241, s. 52, subs. 10 (1962-63, c. 84, s. 12, subs. 3), repealed

(3) Subsection 10 of the said section 52, as enacted by subsection 3 of section 12 of *The Mining Amendment Act, 1962-63*, is repealed.

Saving

(4) Notwithstanding subsections 1, 2 and 3, subsections 5 to 10 of section 52 of *The Mining Act* continue in force in respect of leases and licences made before this Act comes into force.

Licensee who may be issued lease under s. 100*a*

(5) Where a licence to extract mineral from land under navigable water that was applied for on or before the 1st day of September, 1963, is issued, the Minister may direct that the licensee, upon application in writing therefor and upon the

SECTION 3—Subsection 1. As leases are no longer made under section 47 of the Act, the section is repealed.

Subsection 2. Section 47 of the Act continues in effect as regards leases that were made under that section and that are still in force.

SECTION 4—Subsections 1, 2 and 3. As leases and licences are no longer granted under section 52 of the Act, the subsections dealing with this subject-matter are repealed.

Subsection 4. Subsections 5 to 10 of section 52 of the Act continue in effect as regards leases and licences that were made under section 52 and that are still in force.

Subsection 5. This subsection provides for the issuance of a lease under section 100*a* of the Act to the holder of a licence to extract mineral from land under navigable water.

SECTION 5. The amendment removes the provision prohibiting a licensee from staking claims under subsection 5 of section 62 of the Act while he holds unused metal tags issued under section 63.

SECTION 6. The amendment reduces the first period of work from forty days to twenty days and increases the fifth period of work from forty days to sixty days.

SECTION 7—Subsection 1. The amendment provides for credits for linecutting and chaining and for technical work relating to geophysical and geological surveys, increases the application of airborne surveys to include all airborne geophysical surveys and increases the allowance for geophysical work from forty days to eighty days.

surrender of his licence, be issued a lease under section 100*a* of *The Mining Act*, and the rental for each year in the term of the lease shall be that prescribed by the said section 100*a* for years subsequent to the first year of a term under that section.

5. Subsection 6 of section 63 of *The Mining Act* is repealed. R.S.O. 1960, c. 241, s. 63, subs. 6, repealed

6. Subsection 1 of section 83 of *The Mining Act* is amended by striking out "forty" in the first line of paragraph 1 and inserting in lieu thereof "twenty" and by striking out "forty" in the first line of paragraph 5 and inserting in lieu thereof "sixty", so that the subsection shall read as follows: R.S.O. 1960, c. 241, s. 83, subs. 1, amended

(1) The recorded holder of a mining claim shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work consisting of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of 200 days' work, which work shall be performed as follows: Working conditions on mining claims

1. First period of at least twenty days, not later than one year immediately following the recording of the claim.

2. Second period of at least forty days, not later than two years after date of recording.

3. Third period of at least forty days, not later than three years after date of recording.

4. Fourth period of at least forty days, not later than four years after date of recording.

5. Fifth period of at least sixty days, not later than five years after date of recording.

7.—(1) Subsections 8 and 9 of section 84 of *The Mining Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 84, subss. 8, 9, re-enacted

(8) A geophysical survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim, subject to, Surveys

(*a*) ground surveys, at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geophysical

survey for each eight hours of his employment, but no credit shall be given for more than twelve hours in any day in respect of any man; and

(*b*) airborne geophysical surveys at the rate of forty days' work in respect of each mile of continuous recordings,

but not more than a total of eighty days' work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of the work.

Geologica survey to count as work

(9) A geological survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geological survey for each eight hours of his employment, not exceeding a total of forty days' work in respect of each claim, but no credit shall be given for more than twelve hours in any day in respect of any man, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of the work.

R.S.O. 1960, c. 241, s. 84, subs. 10, amended

(2) Subsection 10 of the said section 84 is amended by striking out "Minister" in the sixth line and inserting in lieu thereof "recorder", so that the subsection shall read as follows:

Stripping

(10) The actual cost of stripping by other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each $10 so spent, not exceeding 100 days' work in respect of each claim, but credit for the work shall be cancelled unless proof of the actual cost is submitted to and accepted by the recorder within thirty days of the recording of the work.

R.S.O. 1960, c. 241, s. 84, amended

(3) The said section 84 is amended by adding thereto the following subsection:

Subsection 2. The amendment provides for the approval by the mining recorder rather than by the Minister of power stripping.

Subsection 3. The new subsection authorizes the Minister to direct that certain types of technical work not previously provided for in the Act be counted as work.

SECTION 8. The amendment authorizes the Minister, upon certain conditions being fulfilled, to issue for a mining claim or mining claims an airborne geophysical certificate granting a year's extension of the time for performing the first year's assessment work.

(14) The Minister may direct that beneficiation studies, analyses, assays, microscopic studies and other types of exploration or development work, not otherwise provided for in this Act, be counted as work at a rate not exceeding one day's work for each $15 expended, Beneficiation studies, etc., to count as work

(*a*) if the Minister is satisfied with the type of work and the manner of its execution; and

(*b*) if full reports, maps and proof of expenditure are filed in duplicate with the Minister.

8. *The Mining Act* is amended by adding thereto the following section: R.S.O. 1960, c. 241, amended

84*a*.—(1) The Minister may issue to the holder of a mining claim or mining claims an airborne geophysical certificate for the mining claim or mining claims if, Airborne geophysical certificate

(*a*) the claim or claims lie within the area covered by an airborne geophysical survey that was not previously filed with the Department and that was conducted prior to the staking of the claim or claims;

(*b*) the survey covers an area at least four times the area of the claim or claims;

(*c*) full reports and plans in duplicate with respect to the whole area covered by the survey are submitted to the Minister, within six months after the recording of the claim or claims, in the same form and in the same manner as though submitted under subsection 8 of section 84; and

(*d*) the flight lines are not more than one-quarter mile apart and approximately parallel.

(2) Notwithstanding subsection 1 of section 83, if the claim holder files an airborne geophysical certificate issued under subsection 1 with the recorder of the mining division in which the claim or claims are situate not later than sixty days after the date of issue of the certificate, the recorder shall so indicate on his records, and the time for performing the first and all subsequent periods of work for the claim or claims listed in the certificate shall fall due one year later than the times prescribed in subsection 1 of section 83. Extension of time for performance of work

R.S.O. 1960, c. 241, s. 100, repealed

9.—(1) Section 100 of *The Mining Act*, as amended by section 27 of *The Mining Amendment Act, 1962-63*, is repealed.

Saving

(2) Notwithstanding subsection 1, section 100 of *The Mining Act* continues in force in respect of leases made before this Act comes into force.

R.S.O. 1960, c. 241, s. 100*a* (1962-63, c. 84, s. 28), subs. 1, repealed

10. Subsection 1 of section 100*a* of *The Mining Act*, as enacted by section 28 of *The Mining Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 241, s. 104, re-enacted

11. Section 104 of *The Mining Act*, as amended by section 31 of *The Mining Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Disposal of surface rights

104.—(1) In a patent or lease of a mining claim, the Minister shall reserve all surface rights and other rights excluded by or withdrawn under this Act or that have otherwise been alienated by the Crown.

Idem

R.S.O. 1960, c. 324

(2) Any surface rights reserved under this section may be dealt with under Part VII or under *The Public Lands Act* or the regulations made thereunder.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Mining Amendment Act, 1964.*

SECTION 9—Subsection 1. As patents and leases are no longer issued under section 100 of the Act, the section is repealed.

Subsection 2. Section 100 of the Act continues in effect as regards patents and leases that were issued under that section and that are still in force.

SECTION 10. As leases applied for after September 1st, 1963, are governed by section 100*a* of the Act, the provision permitting an applicant for a lease to elect as to whether or not section 100*a* should apply to his lease is repealed.

SECTION 11. The section is re-enacted for purposes of clarification.

BILL 51

An Act to amend The Mining Act

1st Reading

February 27th, 1964

2nd Reading

3rd Reading

MR. WARDROPE

1964

BILL 51

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Mining Act

MR. WARDROPE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 51 **1964**

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Mining Act*, as amended by section 9 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 241, s. 37, amended

(*f*) while proceedings in respect thereto are pending before the Supreme Court, the Commissioner or a recorder.

2.—(1) Sections 42, 43 and 44 of *The Mining Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 42, re-enacted; ss. 43, 44, repealed

Withdrawal and re-opening of lands, etc.

42.—(1) The Minister, or an officer appointed under this Act and designated by the Minister, may by an order signed by him,

(*a*) withdraw from prospecting and staking out and from sale or lease any lands, mining rights or surface rights that are the property of the Crown; and

(*b*) reopen for prospecting and staking out and for sale or lease any lands, mining rights or surface rights that have been withdrawn under this Act.

Copy of order sent to recorder

(2) Where the Minister or the officer makes an order under subsection 1, he shall within twenty-four hours of the date of the order mail a copy of the order to the recorder of the mining division in which the lands, mining rights or surface rights are situate.

Filing copy of order

(3) Upon receipt of the copy of the order, the recorder shall forthwith post up in his office a notice of the order and file the copy of the order in his office.

Lands, etc., withdrawn not to be prospected or worked

(4) Lands, mining rights or surface rights withdrawn under this section, until reopened by the Minister or the officer, shall remain withdrawn, and shall not be prospected, staked out, occupied or worked except under subsection 5.

Working on behalf of Crown

(5) The Lieutenant Governor in Council may direct that the mines and minerals in lands, mining rights or surface rights, or in any part thereof, withdrawn under this section may be worked by or on behalf of the Crown.

Order not a regulation R.S.O. 1960, c. 349

(6) An order under subsection 1 shall be deemed not to be a regulation within the meaning of *The Regulations Act*.

Previous withdrawals and re-openings validated R.S.O. 1960, c. 241

(2) Every withdrawal or reopening of lands, mining rights or surface rights heretofore made under *The Mining Act* by or at the direction of the Minister or the Deputy Minister shall be deemed to be valid, notwithstanding that such withdrawal or reopening would, but for this subsection, be invalid or void.

R.S.O. 1960, c. 241, s. 47, repealed

3.—(1) Section 47 of *The Mining Act*, as amended by section 11 of *The Mining Amendment Act, 1962-63*, is repealed.

Saving

(2) Notwithstanding subsection 1, section 47 of *The Mining Act* continues in force in respect of leases made before this Act comes into force.

R.S.O. 1960, c. 241, s. 52, subss. 5, 6, 9, repealed

4.—(1) Subsections 5, 6 and 9 of section 52 of *The Mining Act* are repealed.

R.S.O. 1960, c. 241, s. 52, subss. 7, 8 (1962-63, c. 84, s. 12, subs. 2), repealed

(2) Subsections 7 and 8 of the said section 52, as re-enacted by subsection 2 of section 12 of *The Mining Amendment Act, 1962-63*, are repealed.

R.S.O. 1960, c. 241, s. 52, subs. 10 (1962-63, c. 84, s. 12, subs. 3), repealed

(3) Subsection 10 of the said section 52, as enacted by subsection 3 of section 12 of *The Mining Amendment Act, 1962-63*, is repealed.

Saving

(4) Notwithstanding subsections 1, 2 and 3, subsections 5 to 10 of section 52 of *The Mining Act* continue in force in respect of leases and licences made before this Act comes into force.

Licensee who may be issued lease under s. 100*a*

(5) Where a licence to extract mineral from land under navigable water that was applied for on or before the 1st day of September, 1963, is issued, the Minister may direct that the licensee, upon application in writing therefor and upon the

surrender of his licence, be issued a lease under section 100*a* of *The Mining Act*, and the rental for each year in the term of the lease shall be that prescribed by the said section 100*a* for years subsequent to the first year of a term under that section.

R.S.O. 1960, c. 241, s. 63, subs. 6, repealed

5. Subsection 6 of section 63 of *The Mining Act* is repealed.

R.S.O. 1960, c. 241, s. 83, subs. 1, amended

6. Subsection 1 of section 83 of *The Mining Act* is amended by striking out "forty" in the first line of paragraph 1 and inserting in lieu thereof "twenty" and by striking out "forty" in the first line of paragraph 5 and inserting in lieu thereof "sixty", so that the subsection shall read as follows:

Working conditions on mining claims

(1) The recorded holder of a mining claim shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work consisting of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of 200 days' work, which work shall be performed as follows:

1. First period of at least twenty days, not later than one year immediately following the recording of the claim.

2. Second period of at least forty days, not later than two years after date of recording.

3. Third period of at least forty days, not later than three years after date of recording.

4. Fourth period of at least forty days, not later than four years after date of recording.

5. Fifth period of at least sixty days, not later than five years after date of recording.

R.S.O. 1960, c. 241, s. 84, subss. 8, 9, re-enacted

7.—(1) Subsections 8 and 9 of section 84 of *The Mining Act* are repealed and the following substituted therefor:

Surveys

(8) A geophysical survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim, subject to,

(*a*) ground surveys, at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geophysical

survey for each eight hours of his employment, but no credit shall be given for more than twelve hours in any day in respect of any man; and

(*b*) airborne geophysical surveys at the rate of forty days' work in respect of each mile of continuous recordings,

but not more than a total of eighty days' work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of the work.

Geological survey to count as work

(9) A geological survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days' work in respect of each man necessarily employed in work relating to the geological survey for each eight hours of his employment, not exceeding a total of forty days' work in respect of each claim, but no credit shall be given for more than twelve hours in any day in respect of any man, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to and approved by the Minister within sixty days of the recording of the work.

R.S.O. 1960, c. 241, s. 84, subs. 10, amended

(2) Subsection 10 of the said section 84 is amended by striking out "Minister" in the sixth line and inserting in lieu thereof "recorder", so that the subsection shall read as follows:

Stripping

(10) The actual cost of stripping by other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each $10 so spent, not exceeding 100 days' work in respect of each claim, but credit for the work shall be cancelled unless proof of the actual cost is submitted to and accepted by the recorder within thirty days of the recording of the work.

R.S.O. 1960, c. 241, s. 84, amended

(3) The said section 84 is amended by adding thereto the following subsection:

(14) The Minister may direct that beneficiation studies, analyses, assays, microscopic studies and other types of exploration or development work, not otherwise provided for in this Act, be counted as work at a rate not exceeding one day's work for each $15 expended, Beneficiation studies, etc., to count as work

(*a*) if the Minister is satisfied with the type of work and the manner of its execution; and

(*b*) if full reports, maps and proof of expenditure are filed in duplicate with the Minister.

8. *The Mining Act* is amended by adding thereto the following section: R.S.O. 1960, c. 241, amended

84*a*.—(1) The Minister may issue to the holder of a mining claim or mining claims an airborne geophysical certificate for the mining claim or mining claims if, Airborne geophysical certificate

(*a*) the claim or claims lie within the area covered by an airborne geophysical survey that was not previously filed with the Department and that was conducted prior to the staking of the claim or claims;

(*b*) the survey covers an area at least four times the area of the claim or claims;

(*c*) full reports and plans in duplicate with respect to the whole area covered by the survey are submitted to the Minister, within six months after the recording of the claim or claims, in the same form and in the same manner as though submitted under subsection 8 of section 84; and

(*d*) the flight lines are not more than one-quarter mile apart and approximately parallel.

(2) Notwithstanding subsection 1 of section 83, if the claim holder files an airborne geophysical certificate issued under subsection 1 with the recorder of the mining division in which the claim or claims are situate not later than sixty days after the date of issue of the certificate, the recorder shall so indicate on his records, and the time for performing the first and all subsequent periods of work for the claim or claims listed in the certificate shall fall due one year later than the times prescribed in subsection 1 of section 83. Extension of time for performance of work

R.S.O. 1960, c. 241, s. 100, repealed

9.—(1) Section 100 of *The Mining Act*, as amended by section 27 of *The Mining Amendment Act, 1962-63*, is repealed.

Saving

(2) Notwithstanding subsection 1, section 100 of *The Mining Act* continues in force in respect of leases made before this Act comes into force.

R.S.O. 1960, c. 241, s. 100*a* (1962-63, c. 84, s. 28), subs. 1, repealed

10. Subsection 1 of section 100*a* of *The Mining Act*, as enacted by section 28 of *The Mining Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 241, s. 104, re-enacted

11. Section 104 of *The Mining Act*, as amended by section 31 of *The Mining Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Disposal of surface rights

104.—(1) In a patent or lease of a mining claim, the Minister shall reserve all surface rights and other rights excluded by or withdrawn under this Act or that have otherwise been alienated by the Crown.

Idem

R.S.O. 1960, c. 324

(2) Any surface rights reserved under this section may be dealt with under Part VII or under *The Public Lands Act* or the regulations made thereunder.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Mining Amendment Act, 1964.*

BILL 51

An Act to amend The Mining Act

1st Reading

February 27th, 1964

2nd Reading

March 9th, 1964

3rd Reading

March 25th, 1964

MR. WARDROPE

1964

BILL 52

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Schools Administration Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

Section 1. At present, trustees of certain high school boards and township school area boards receive an honorarium of $5 per meeting for not more than twelve meetings per year and 7 cents per mile travelling allowance. The new provision is self-explanatory.

BILL 52 **1964**

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 36, re-enacted

36.—(1) A board with more than three trustees may pay to each trustee, except trustees who are appointed to a board of education for secondary school purposes only, for each month an honorarium not exceeding an amount based on the average daily attendance of pupils in the schools operated by the board in the preceding year as follows: Honorarium for trustees

Average Daily Attendance	Maximum Monthly Honorarium
Fewer than 60	$ 5
60 or more but fewer than 100	7
100 " " " " " 200	10
200 " " " " " 300	15
300 " " " " " 600	20
600 " " " " " 1,000	30
1,000 " " " " " 2,000	40
2,000 " " " " " 3,000	50
3,000 " " " " " 6,000	60
6,000 " " " " " 10,000	70
10,000 " " " " " 20,000	90
20,000 " " " " " 30,000	110
30,000 " " " " " 60,000	130
60,000 or more	150

(2) A board of education may pay to each trustee appointed to the board for secondary school purposes only an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year. Trustees appointed for secondary school purposes only

Members of advisory vocational committees

(3) A board of education or a high school board may pay to each member of an advisory vocational committee appointed by the board, who is not a trustee, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year.

Mileage allowance for board meetings

(4) A board of a township school area, a high school district that comprises two or more municipalities, or a combined Roman Catholic separate school board, may pay to a trustee an allowance of 10 cents for each mile necessarily travelled by him to and from his residence to attend a meeting of the board or a committee of the board that is held within the boundaries of its jurisdiction.

Expenses for authorized travel on board business

(5) A board may authorize a trustee, teacher or official of the board to travel outside the boundaries of the jurisdiction of the board on designated business of the board, and may reimburse the trustee, teacher or official his actual expenses for transportation, room and meals or such lesser amount as may be determined by the board.

Deduction because of absence

(6) A board may provide for a deduction of a reasonable amount from the honorarium of a trustee because of absence from regular or committee meetings of the board.

Commencement

2. This Act comes into force on the 1st day of January, 1965.

Short title

3. This Act may be cited as *The Schools Administration Amendment Act, 1964.*

An Act to amend
The Schools Administration Act

1st Reading

February 27th, 1964

2nd Reading

3rd Reading

MR. DAVIS

1964

BILL 52

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Schools Administration Act

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

Section 1. At present, trustees of certain high school boards and township school area boards receive an honorarium of $5 per meeting for not more than twelve meetings per year and 7 cents per mile travelling allowance. The new provision is self-explanatory.

BILL 52 **1964**

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 36, re-enacted

36.—(1) A board with more than three trustees may pay to each trustee, except trustees who are appointed to a board of education for secondary school purposes only, for each month an honorarium not exceeding an amount based on the average daily attendance of pupils in the schools operated by the board in the preceding year as follows: Honorarium for trustees

Average Daily Attendance	Maximum Monthly Honorarium
Fewer than 60	$ 5
60 or more but fewer than 100	7
100 " " " " " 200	10
200 " " " " " 300	15
300 " " " " " 600	20
600 " " " " " 1,000	30
1,000 " " " " " 2,000	40
2,000 " " " " " 3,000	50
3,000 " " " " " 6,000	60
6,000 " " " " " 10,000	70
10,000 " " " " " 20,000	90
20,000 " " " " " 30,000	110
30,000 " " " " " 60,000	130
60,000 or more	150

(2) A board of education may pay to each trustee appointed to the board, who is not entitled to vote on a motion that affects public schools exclusively, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year. Trustees appointed for secondary school purposes only

Members of advisory vocational committees

(3) A board of education or a high school board may pay to each member of an advisory vocational committee appointed by the board, who is not a trustee, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year.

Mileage allowance for board meetings

(4) A board with more than three trustees may pay to a trustee an allowance of 10 cents for each mile necessarily travelled by him to and from his residence to attend a meeting of the board or a committee of the board that is held within the boundaries of its jurisdiction.

Expenses for authorized travel on board business

(5) A board may authorize a trustee, teacher or official of the board to travel on designated business of the board, and may reimburse the trustee, teacher or official his actual expenses for transportation, room and meals or such lesser amount as may be determined by the board.

Deduction because of absence

(6) A board may provide for a deduction of a reasonable amount from the honorarium of a trustee because of absence from regular or committee meetings of the board.

Commencement

2. This Act comes into force on the 1st day of January, 1965.

Short title

3. This Act may be cited as *The Schools Administration Amendment Act, 1964.*

An Act to amend
The Schools Administration Act

1st Reading

February 27th, 1964

2nd Reading

March 11th, 1964

3rd Reading

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

1964

BILL 52

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Schools Administration Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 52 **1964**

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 36, re-enacted

36.—(1) A board with more than three trustees may pay to each trustee, except trustees who are appointed to a board of education for secondary school purposes only, for each month an honorarium not exceeding an amount based on the average daily attendance of pupils in the schools operated by the board in the preceding year as follows: Honorarium for trustees

Average Daily Attendance	Maximum Monthly Honorarium
Fewer than 60	$ 5
60 or more but fewer than 100	7
100 " " " " " 200	10
200 " " " " " 300	15
300 " " " " " 600	20
600 " " " " " 1,000	30
1,000 " " " " " 2,000	40
2,000 " " " " " 3,000	50
3,000 " " " " " 6,000	60
6,000 " " " " " 10,000	70
10,000 " " " " " 20,000	90
20,000 " " " " " 30,000	110
30,000 " " " " " 60,000	130
60,000 or more	150

(2) A board of education may pay to each trustee appointed to the board, who is not entitled to vote on a motion that affects public schools exclusively, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year. Trustees appointed for secondary school purposes only

Members of advisory vocational committees

(3) A board of education or a high school board may pay to each member of an advisory vocational committee appointed by the board, who is not a trustee, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year.

Mileage allowance for board meetings

(4) A board with more than three trustees may pay to a trustee an allowance of 10 cents for each mile necessarily travelled by him to and from his residence to attend a meeting of the board or a committee of the board that is held within the boundaries of its jurisdiction.

Expenses for authorized travel on board business

(5) A board may authorize a trustee, teacher or official of the board to travel on designated business of the board, and may reimburse the trustee, teacher or official his actual expenses for transportation, room and meals or such lesser amount as may be determined by the board.

Deduction because of absence

(6) A board may provide for a deduction of a reasonable amount from the honorarium of a trustee because of absence from regular or committee meetings of the board.

Commencement

2. This Act comes into force on the 1st day of January, 1965.

Short title

3. This Act may be cited as *The Schools Administration Amendment Act, 1964.*

An Act to amend
The Schools Administration Act

1st Reading

February 27th, 1964

2nd Reading

March 11th, 1964

3rd Reading

May 7th, 1964

MR. DAVIS

1964

BILL 53

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Seconday Schools and Boards of Education Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The subsection, which defines county pupils, is repealed as there will no longer be county pupils by reason of section 3 of this Bill.

Section 2. With the completion of the organization of secondary school districts in the counties under subsection 1*a* of section 12 (see section 3 of this Bill), the appointment of trustees by counties to continuation school boards is no longer necessary. Subsections 8 and 9 are, therefore, repealed.

Section 3. The effect of the amendment will be to complete the organization of secondary school districts in the counties of Ontario.

Section 4. The references to county pupils are deleted. Complementary to section 3 of this Bill.

BILL 53 **1964**

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 1 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed. R.S.O. 1960, c. 362, s. 1, subs. 3 (1960-61, c. 93, s. 1, subs. 2), repealed

2. Subsections 8 and 9 of section 2 of *The Secondary Schools and Boards of Education Act* are repealed. R.S.O. 1960, c. 362, s. 2, subss. 8, 9, repealed

3. Section 12 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 12, amended

(1*a*) Where any part or parts of a township are not included in a secondary school district, the council of the county of which the township forms a part shall, by by-law passed before the 1st day of July, 1964, attach such part or parts of the township to a high school district in accordance with subsection 1 of section 8, and such by-law shall become effective, notwithstanding section 20, on the 1st day of January, 1965. Responsibility of county to include all parts of county in high school district

4. Section 65 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 65, re-enacted

65.—(1) In a county, the board of a high school district that consists of a city or separated town may by resolution or by-law declare all or any of its high schools open to resident pupils of any high school district within the county in which the district is situated or within any adjoining county or adjoining territorial district. Declaring schools open

Idem

(2) The board of a secondary school district in a county, other than a high school district that consists of a city or separated town, may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any secondary school district within the county or counties in which the district is situated or within any adjoining county or adjoining territorial district.

Idem

(3) The Board of a secondary school district in a territorial district may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any other secondary school district in the territorial district or in an adjoining territorial district or adjoining county.

Idem

(4) The Board of any high school district may by resolution or by-law declare all or any of its vocational schools open to resident pupils of any secondary school district.

Notice

(5) Where a school is declared open under this section, the board shall notify the secretary of the board of the secondary school district concerned.

Revocation of declaration

(6) Where a school is declared open under this section, the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the secretary of the board of the secondary school district concerned that the school or schools will no longer be open to the resident pupils, and upon the giving of such notice such resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year.

R.S.O. 1960, c. 362, s. 68, re-enacted

5. Section 68 of *The Secondary Schools and Boards of Education Act*, as amended by section 11 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Right of resident pupils to attend school

68.—(1) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district.

Resident pupils

(2) Subject to subsections 3, 4 and 6, a resident pupil of a secondary school district has the right to attend any secondary school,

SECTION 5. The section is revised to delete references to county pupils.

(*a*) that is more accessible to the pupil than any secondary school in his own secondary school district;

(*b*) to take, under the continuing programmes of study, a course of study leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;

(*c*) to take, under the re-organized programmes of study, either the four-year or two-year programme of the business and commerce branch or of the science, technology and trades branch, or the diversified occupational programme, if the programme is not available in the secondary school district in which he is resident;

(*d*) to take, under the re-organized programmes of study, a course of study in either the four-year programme of the business and commerce branch or the four-year programme of the science, technology and trades branch, leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;

(*e*) to take, under the continuing programmes of study or the re-organized programmes of study, a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field, if the course is not available in the secondary school district in which he is resident;

(*f*) to take a grade 13 subject or subjects not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or

(*g*) to take a course of study that includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13 not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

Restrictions

(3) Subsection 2 applies to a resident pupil of a secondary school district in a county only if,

(*a*) the school has been declared open to such pupils; and

(*b*) in the case of a high or continuation school, the school is situated in his own county outside a city or separated town or is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

Idem

(4) Subsection 2 applies to a resident pupil of a secondary school district in a territorial district only if the inspector of the school certifies that there is adequate accommodation for the pupil in the school.

Non-resident pupils

(5) At its discretion, a secondary school board may admit to a school operated by it a pupil who has not the right, under this section, to attend such school.

Where agreement between boards

(6) Clauses *b*, *c*, *d*, *e*, *f* and *g* of subsection 2 do not apply to a resident pupil of a high school district if the board of the high school district has entered into an agreement with another high school board under subsection 2 of section 30 or under section 66 and the courses and subjects referred to in such clauses are offered in the schools covered by the agreement.

R.S.O. 1960, c. 362, s. 69, repealed

6. Section 69 of *The Secondary Schools and Boards of Education Act*, as amended by subsection 1 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62* and section 12 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 362, s. 70, subs. 1, subs. 2 (1961-62, c. 131, s. 6), re-enacted

7.—(1) Subsection 1 and subsection 2, as re-enacted by section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of section 70 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Where no fees payable

(1) No fees are payable by or in respect of a resident pupil of a secondary school district attending a secondary school maintained by the board of the district.

Fees payable

(2) Where a resident pupil of a secondary school district attends a secondary school pursuant to an agreement

Subsection 6 is new and provides for the situation where school boards have entered into an agreement to provide for instruction at schools operated by one of the boards.

SECTION 6. Section 69, dealing with county pupils, is repealed.

SECTION 7. The amendments delete references to county pupils.

under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 2 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school, calculated as follows:

1. (*a*) First, the total gross current expenditures shall be ascertained for the calendar year for,

   (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding the cost of transporting resident pupils, fees paid or payable to another board and the cost of operation of evening courses of study,

   (ii) permanent improvements for the schools, excluding the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province, and

   (iii) payments made or owing on behalf of the board for a sinking fund or of principal and interest upon a debenture issued in respect of the schools.

   (*b*) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,

   (i) legislative grants, excluding grants on the cost of transporting resident pupils and on fees paid or payable to another board and on the operation of evening courses of study, and

   (ii) all other sources except taxation and tuition fees.

   (*c*) Third, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues, except legislative grants, ascertained as provided in clause *b*, and the resultant amount ascertained

after such deduction shall be the net sum upon which the cost of education of such resident pupils shall be based and calculated.

(*d*) Fourth, the perfect aggregate attendance of all pupils at the schools for the preceding calendar year shall be divided into the net sum ascertained as provided in clause *c*, and the resultant amount shall be the net cost per pupil-day of all such pupils.

(*e*) Fifth, the perfect aggregate attendance of all resident pupils from the county at the schools during the same calendar year shall be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of such resident pupils.

2. The cost of education of such resident pupils attending a vocational school shall be calculated in the manner provided in paragraph 1, except that the expenditures, revenues and attendance shall be calculated in respect of the vocational schools under the jurisdiction of the board.

R.S.O. 1960, c. 362, s. 70, subs. 3, amended

(2) Subsection 3 of the said section 70 is amended by striking out "subsection 4 or 5 of section 69" in the fourth and fifth lines and inserting in lieu thereof "paragraph 1 or 2 of subsection 2".

R.S.O. 1960, c. 362, s. 70, subs. 4, amended

(3) Subsection 4 of the said section 70 is amended by striking out "subsection 4 or 5 of section 69" in the seventh and eighth lines and inserting in lieu thereof "paragraph 1 or 2 of subsection 2".

R.S.O. 1960, c. 362, s. 70, subs. 6, amended

(4) Subsection 6 of the said section 70 is amended by striking out "sections 68 and 69" in the first line and inserting in lieu thereof "section 68 and subsections 1 to 5" and by striking out "subsection 4 or 5 of section 69" in the ninth and tenth lines and inserting in lieu thereof "paragraph 1 or 2 of subsection 2".

R.S.O. 1960, c. 362, s. 72, re-enacted

8. Section 72 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Admission of resident pupil from other district

72.—(1) A resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district shall

SECTION 8. The section is revised to delete the references to county pupils.

SECTION 9. The provisions respecting county pupils are deleted.

SECTION 10. The provisions respecting county pupils are deleted.

furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating,

(*a*) the name of the secondary school district in respect of which he is a resident pupil;

(*b*) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and

(*c*) the authority, under this Act, under which the pupil claims to have a right to attend the school.

Notice of admission

(2) The principal of the school shall forward the statement to the secretary of the board that operates the school and, if the pupil is admitted, the secretary of the board shall forthwith notify the secretary of the board of the district of which the pupil is a resident pupil of the fact of the admission and of the information included in the statement.

R.S.O. 1960, c. 362, s. 73, subs. 1, re-enacted

9.—(1) Subsection 1 of section 73 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Disagreements as to cost of education or fees

(1) Where,

(*a*) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 70; or

(*b*) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 70,

the matter shall be referred to the county judge who shall determine the matter.

R.S.O. 1960, c. 362, s. 73, subs. 3, amended

(2) Subsection 3 of the said section 73 is amended by striking out "the cost of education of the county pupils to be paid by the county" in the tenth and eleventh lines.

R.S.O. 1960, c. 362, s. 75, repealed

10. Section 75 of *The Secondary Schools and Boards of Education Act* is repealed.

Commencement

11.—(1) This Act, except sections 1, 2, 4, 5, 6, 7, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 4, 5, 6, 7, 8, 9 and 10 come into force on the 1st day of January, 1965.

Short title

12. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1964.*

An Act to amend The Secondary Schools and Boards of Education Act

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1st Reading

February 27th, 1964

2nd Reading

3rd Reading

MR. DAVIS

1964

BILL 53

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The subsection, which defines county pupils, is repealed as there will no longer be county pupils by reason of section 3 of this Bill.

Section 2. With the completion of the organization of secondary school districts in the counties under subsection 1*a* of section 12 (see section 3 of this Bill), the appointment of trustees by counties to continuation school boards is no longer necessary. Subsections 8 and 9 are, therefore, repealed.

Section 3. The effect of the amendment will be to complete the organization of secondary school districts in the counties of Ontario.

Section 4. The references to county pupils are deleted. Complementary to section 3 of this Bill.

BILL 53 **1964**

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 1 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed. R.S.O. 1960, c. 362, s. 1, subs. 3 (1960-61, c. 93, s. 1, subs. 2), repealed

2. Subsections 8 and 9 of section 2 of *The Secondary Schools and Boards of Education Act* are repealed. R.S.O. 1960, c. 362, s. 2, subss. 8, 9, repealed

3. Section 12 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 12, amended

(1*a*) Where any part or parts of a township are not included in a secondary school district, the council of the county of which the township forms a part shall, by by-law passed before the 1st day of July, 1964, attach such part or parts of the township to a high school district in accordance with subsection 1 of section 8, and such by-law shall become effective, notwithstanding section 20, on the 1st day of January, 1965. Responsibility of county to include all parts of county in high school district

4. Section 65 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 65, re-enacted

65.—(1) In a county, the board of a high school district that consists of a city or separated town may by resolution or by-law declare all or any of its high schools open to resident pupils of any high school district within the county in which the district is situated or within any adjoining county or adjoining territorial district. Declaring schools open

Idem

(2) The board of a secondary school district in a county, other than a high school district that consists of a city or separated town, may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any secondary school district within the county or counties in which the district is situated or within any adjoining county or adjoining territorial district.

Idem

(3) The board of a secondary school district in a territorial district may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any other secondary school district in the territorial district or in an adjoining territorial district or adjoining county.

Idem

(4) The board of any high school district may by resolution or by-law declare all or any of its vocational schools open to resident pupils of any secondary school district.

Notice

(5) Where a school is declared open under this section, the board shall notify the secretary of the board of the secondary school district concerned.

Revocation of declaration

(6) Where a school is declared open under this section, the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the secretary of the board of the secondary school district concerned that the school or schools will no longer be open to the resident pupils, and upon the giving of such notice such resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year.

R.S.O. 1960, c. 362, s. 68, re-enacted

5. Section 68 of *The Secondary Schools and Boards of Education Act*, as amended by section 11 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Right of resident pupils to attend school

68.—(1) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district.

Resident pupils

(2) Subject to subsections 3, 4 and 6, a resident pupil of a secondary school district has the right to attend any secondary school,

SECTION 5. The section is revised to delete references to county pupils.

(*a*) that is more accessible to the pupil than any secondary school in his own secondary school district;

(*b*) to take, under the continuing programmes of study, a course of study leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;

(*c*) to take, under the re-organized programmes of study, either the four-year or two-year programme of the business and commerce branch or of the science, technology and trades branch, or the diversified occupational programme, if the programme is not available in the secondary school district in which he is resident;

(*d*) to take, under the re-organized programmes of study, a course of study in either the four-year programme of the business and commerce branch or the four-year programme of the science, technology and trades branch, leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;

(*e*) to take, under the continuing programmes of study or the re-organized programmes of study, a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field, if the course is not available in the secondary school district in which he is resident;

(*f*) to take a grade 13 subject or subjects not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or

(*g*) to take a course of study that includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13 not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

Restrictions

(3) Subsection 2 applies to a resident pupil of a secondary school district in a county only if,

(*a*) the school has been declared open to such pupils; and

(*b*) in the case of a high or continuation school, the school is situated in his own county outside a city or separated town or is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

Idem

(4) Subsection 2 applies to a resident pupil of a secondary school district in a territorial district only if the inspector of the school certifies that there is adequate accommodation for the pupil in the school.

Non-resident pupils

(5) At its discretion, a secondary school board may admit to a school operated by it a pupil who has not the right, under this section, to attend such school.

Where agreement between boards

(6) Clauses *b*, *c*, *d*, *e*, *f* and *g* of subsection 2 do not apply to a resident pupil of a high school district if the board of the high school district has entered into an agreement with another high school board under subsection 2 of section 30 or under section 66 and the courses and subjects referred to in such clauses are offered in the schools covered by the agreement.

R.S.O. 1960, c. 362, s. 69, repealed

6. Section 69 of *The Secondary Schools and Boards of Education Act*, as amended by subsection 1 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62* and section 12 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 362, s. 70, subs. 1, subs. 2 (1961-62, c. 131, s. 6), re-enacted

7.—(1) Subsection 1 and subsection 2, as re-enacted by section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of section 70 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Where no fees payable

(1) No fees are payable by or in respect of a resident pupil of a secondary school district attending a secondary school maintained by the board of the district.

Fees payable

(2) Where a resident pupil of a secondary school district attends a secondary school in another secondary

Subsection 6 is new and provides for the situation where school boards have entered into an agreement to provide for instruction at schools operated by one of the boards.

SECTION 6. Section 69, dealing with county pupils, is repealed.

SECTION 7. The amendments delete references to county pupils.

school district pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 2 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school, calculated as follows:

1. (*a*) First, the total gross current expenditures shall be ascertained for the calendar year for,

   (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding transportation, tuition fees and the operation of evening courses of study,

   (ii) permanent improvements for the schools, excluding the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province, and

   (iii) debt charges.

   (*b*) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from all sources excluding legislative grants, taxation, tuition fees and recovery of costs from Ontario.

   (*c*) Third, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b*, and the resultant amount ascertained after such deduction shall be the sum upon which the gross cost of education of such resident pupils shall be based and calculated.

   (*d*) Fourth, the perfect aggregate attendance of all pupils at the schools for the preceding calendar year shall be divided into the sum ascertained as provided in clause *c*, and the resultant amount shall be the gross cost per pupil-day of all such pupils.

(*e*) Fifth, the perfect aggregate attendance of all resident pupils attending schools in the other secondary school district during the same calendar year shall be multiplied by the amount of the gross cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the gross cost of education of such resident pupils.

2. The cost of education of such resident pupils attending a vocational school in another high school district shall be calculated in the manner provided in paragraph 1, except that the expenditures, revenues and attendance shall be calculated in respect of the vocational schools under the jurisdiction of the board.

R.S.O. 1960, c. 362, s. 70, subs. 3, amended

(2) Subsection 3 of the said section 70 is amended by striking out "subsection 4 or 5 of section 69, as the case requires" in the fourth and fifth lines and inserting in lieu thereof "paragraph 1 or 2 of subsection 2, as the case requires, except that legislative grants other than the grants on transportation, tuition fees and evening courses of study shall not be excluded in clause *b* of paragraph 1 of subsection 2".

R.S.O. 1960, c. 362, s. 70, subs. 4, amended

(3) Subsection 4 of the said section 70 is amended by striking out "subsection 4 or 5 of section 69, as the case requires" in the seventh and eighth lines and inserting in lieu thereof "subsection 3".

R.S.O. 1960, c. 362, s. 70, subs. 6, amended

(4) Subsection 6 of the said section 70 is amended by striking out "sections 68 and 69" in the first line and inserting in lieu thereof "section 68 and subsections 1 to 5" and by striking out "subsection 4 or 5 of section 69, as the case requires" in the ninth and tenth lines and inserting in lieu thereof "subsection 3".

R.S.O. 1960, c. 362, s. 72, re-enacted

8. Section 72 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Admission of resident pupil from other district

72.—(1) A resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district shall furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating,

SECTION 8. The section is revised to delete the references to county pupils.

SECTION 9. The provisions respecting county pupils are deleted.

SECTION 10. The provisions respecting county pupils are deleted.

(*a*) the name of the secondary school district in respect of which he is a resident pupil;

(*b*) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and

(*c*) the authority, under this Act, under which the pupil claims to have a right to attend the school.

Notice of admission

(2) The principal of the school shall forward the statement to the secretary of the board that operates the school and, if the pupil is admitted, the secretary of the board shall forthwith notify the secretary of the board of the district of which the pupil is a resident pupil of the fact of the admission and of the information included in the statement.

R.S.O. 1960, c. 362, s. 73, subs. 1, re-enacted

9.—(1) Subsection 1 of section 73 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Disagreements as to cost of education or fees

(1) Where,

(*a*) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 70; or

(*b*) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 70,

the matter shall be referred to the county judge who shall determine the matter.

R.S.O. 1960, c. 362, s. 73, subs. 3, amended

(2) Subsection 3 of the said section 73 is amended by striking out "the cost of education of the county pupils to be paid by the county" in the tenth and eleventh lines.

R.S.O. 1960, c. 362, s. 75, repealed

10. Section 75 of *The Secondary Schools and Boards of Education Act* is repealed.

Commencement

11.—(1) This Act, except sections 1, 2, 4, 5, 6, 7, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 4, 5, 6, 7, 8, 9 and 10 come into force on the 1st day of January, 1965.

Short title

12. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1964.*

BILL 58

An Act to amend The Secondary Schools and Boards of Education Act

1st Reading

February 27th, 1964

2nd Reading

March 11th, 1964

3rd Reading

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

1964

BILL 53

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 53 **1964**

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 1 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed. R.S.O. 1960, c. 362, s. 1, subs. 3 (1960-61, c. 93, s. 1, subs. 2), repealed

2. Subsections 8 and 9 of section 2 of *The Secondary Schools and Boards of Education Act* are repealed. R.S.O. 1960, c. 362, s. 2, subss. 8, 9, repealed

3. Section 12 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 12, amended

(1*a*) Where any part or parts of a township are not included in a secondary school district, the council of the county of which the township forms a part shall, by by-law passed before the 1st day of July, 1964, attach such part or parts of the township to a high school district in accordance with subsection 1 of section 8, and such by-law shall become effective, notwithstanding section 20, on the 1st day of January, 1965. Responsibility of county to include all parts of county in high school district

4. Section 65 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 65, re-enacted

65.—(1) In a county, the board of a high school district that consists of a city or separated town may by resolution or by-law declare all or any of its high schools open to resident pupils of any high school district within the county in which the district is situated or within any adjoining county or adjoining territorial district. Declaring schools open

Idem

(2) The board of a secondary school district in a county, other than a high school district that consists of a city or separated town, may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any secondary school district within the county or counties in which the district is situated or within any adjoining county or adjoining territorial district.

Idem

(3) The board of a secondary school district in a territorial district may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any other secondary school district in the territorial district or in an adjoining territorial district or adjoining county.

Idem

(4) The board of any high school district may by resolution or by-law declare all or any of its vocational schools open to resident pupils of any secondary school district.

Notice

(5) Where a school is declared open under this section, the board shall notify the secretary of the board of the secondary school district concerned.

Revocation of declaration

(6) Where a school is declared open under this section, the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the secretary of the board of the secondary school district concerned that the school or schools will no longer be open to the resident pupils, and upon the giving of such notice such resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year.

R.S.O. 1960, c. 362, s. 68, re-enacted

5. Section 68 of *The Secondary Schools and Boards of Education Act*, as amended by section 11 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Right of resident pupils to attend school

68.—(1) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district.

Resident pupils

(2) Subject to subsections 3, 4 and 6, a resident pupil of a secondary school district has the right to attend any secondary school,

(*a*) that is more accessible to the pupil than any secondary school in his own secondary school district;

(*b*) to take, under the continuing programmes of study, a course of study leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;

(*c*) to take, under the re-organized programmes of study, either the four-year or two-year programme of the business and commerce branch or of the science, technology and trades branch, or the diversified occupational programme, if the programme is not available in the secondary school district in which he is resident;

(*d*) to take, under the re-organized programmes of study, a course of study in either the four-year programme of the business and commerce branch or the four-year programme of the science, technology and trades branch, leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;

(*e*) to take, under the continuing programmes of study or the re-organized programmes of study, a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field, if the course is not available in the secondary school district in which he is resident;

(*f*) to take a grade 13 subject or subjects not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or

(*g*) to take a course of study that includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13 not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

Restrictions

(3) Subsection 2 applies to a resident pupil of a secondary school district in a county only if,

(*a*) the school has been declared open to such pupils; and

(*b*) in the case of a high or continuation school, the school is situated in his own county outside a city or separated town or is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

Idem

(4) Subsection 2 applies to a resident pupil of a secondary school district in a territorial district only if the inspector of the school certifies that there is adequate accommodation for the pupil in the school.

Non-resident pupils

(5) At its discretion, a secondary school board may admit to a school operated by it a pupil who has not the right, under this section, to attend such school.

Where agreement between boards

(6) Clauses *b*, *c*, *d*, *e*, *f* and *g* of subsection 2 do not apply to a resident pupil of a high school district if the board of the high school district has entered into an agreement with another high school board under subsection 2 of section 30 or under section 66 and the courses and subjects referred to in such clauses are offered in the schools covered by the agreement.

R.S.O. 1960, c. 362, s. 69, repealed

6. Section 69 of *The Secondary Schools and Boards of Education Act*, as amended by subsection 1 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62* and section 12 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 362, s. 70, subs. 1, subs. 2 (1961-62, c. 131, s. 6), re-enacted

7.—(1) Subsection 1 and subsection 2, as re-enacted by section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of section 70 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Where no fees payable

(1) No fees are payable by or in respect of a resident pupil of a secondary school district attending a secondary school maintained by the board of the district.

Fees payable

(2) Where a resident pupil of a secondary school district attends a secondary school in another secondary

school district pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 2 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school, calculated as follows:

1. (*a*) First, the total gross current expenditures shall be ascertained for the calendar year for,

   (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding transportation, tuition fees and the operation of evening courses of study,

   (ii) permanent improvements for the schools, excluding the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province, and

   (iii) debt charges.

   (*b*) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from all sources excluding legislative grants, taxation, tuition fees and recovery of costs from Ontario.

   (*c*) Third, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b*, and the resultant amount ascertained after such deduction shall be the sum upon which the gross cost of education of such resident pupils shall be based and calculated.

   (*d*) Fourth, the perfect aggregate attendance of all pupils at the schools for the preceding calendar year shall be divided into the sum ascertained as provided in clause *c*, and the resultant amount shall be the gross cost per pupil-day of all such pupils.

(*e*) Fifth, the perfect aggregate attendance of all resident pupils attending schools in the other secondary school district during the same calendar year shall be multiplied by the amount of the gross cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the gross cost of education of such resident pupils.

2. The cost of education of such resident pupils attending a vocational school in another high school district shall be calculated in the manner provided in paragraph 1, except that the expenditures, revenues and attendance shall be calculated in respect of the vocational schools under the jurisdiction of the board.

R.S.O. 1960, c. 362, s. 70, subs. 3, amended

(2) Subsection 3 of the said section 70 is amended by striking out "subsection 4 or 5 of section 69, as the case requires" in the fourth and fifth lines and inserting in lieu thereof "paragraph 1 or 2 of subsection 2, as the case requires, except that legislative grants other than the grants on transportation, tuition fees and evening courses of study shall not be excluded in clause *b* of paragraph 1 of subsection 2".

R.S.O. 1960, c. 362, s. 70, subs. 4, amended

(3) Subsection 4 of the said section 70 is amended by striking out "subsection 4 or 5 of section 69, as the case requires" in the seventh and eighth lines and inserting in lieu thereof "subsection 3".

R.S.O. 1960, c. 362, s. 70, subs. 6, amended

(4) Subsection 6 of the said section 70 is amended by striking out "sections 68 and 69" in the first line and inserting in lieu thereof "section 68 and subsections 1 to 5" and by striking out "subsection 4 or 5 of section 69, as the case requires" in the ninth and tenth lines and inserting in lieu thereof "subsection 3".

R.S.O. 1960, c. 362, s. 72, re-enacted

8. Section 72 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Admission of resident pupil from other district

72.—(1) A resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district shall furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating,

(*a*) the name of the secondary school district in respect of which he is a resident pupil;

(*b*) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and

(*c*) the authority, under this Act, under which the pupil claims to have a right to attend the school.

Notice of admission

(2) The principal of the school shall forward the statement to the secretary of the board that operates the school and, if the pupil is admitted, the secretary of the board shall forthwith notify the secretary of the board of the district of which the pupil is a resident pupil of the fact of the admission and of the information included in the statement.

R.S.O. 1960, c. 362, s. 73, subs. 1, re-enacted

9.—(1) Subsection 1 of section 73 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Disagreements as to cost of education or fees

(1) Where,

(*a*) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 70; or

(*b*) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 70,

the matter shall be referred to the county judge who shall determine the matter.

R.S.O. 1960, c. 362, s. 73, subs. 3, amended

(2) Subsection 3 of the said section 73 is amended by striking out "the cost of education of the county pupils to be paid by the county" in the tenth and eleventh lines.

R.S.O. 1960, c. 362, s. 75, repealed

10. Section 75 of *The Secondary Schools and Boards of Education Act* is repealed.

Commencement

11.—(1) This Act, except sections 1, 2, 4, 5, 6, 7, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 4, 5, 6, 7, 8, 9 and 10 come into force on the 1st day of January, 1965.

Short title

12. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1964.*

BILL 53

An Act to amend The Secondary Schools and Boards of Education Act

1st Reading

February 27th, 1964

2nd Reading

March 11th, 1964

3rd Reading

May 7th, 1964

MR. DAVIS

BILL 54

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Public Schools Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. Sections 13, 14 and 15 are revised to provide for the appointment of consultative committees by counties and for the organization of county and district school areas composed of two or more municipalities.

BILL 54 **1964**

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 13, 14 and 15 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 330, ss. 13-15, re-enacted

13.—(1) Every council of a county shall appoint a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee. Consultative committees

(2) The council of a county may direct the committee to report on petitions for the establishment or enlargement of county school areas and to obtain information and make recommendations in detail regarding, Duties of committee

(*a*) the desirability of establishing or enlarging county school areas comprising two or more municipalities or parts thereof; and

(*b*) any other matters affecting public school education in the county.

(3) All public school boards having jurisdiction within the county shall, on the request of the consultative committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the county. Information

(4) The reports and recommendations of the committee are not binding upon the Minister, the county council or any of the public school boards having jurisdiction in the county. Committee reports

Expenses

(5) A county may reimburse the members of its consultative committee for their actual expenses of travelling on business of the committee.

Establishment of county school areas

(6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the whole or any part of the county as a county school area.

Municipalities in adjoining counties

(7) The council of a county may, by by-law passed before the 1st day of July in any year, include in a county school area one or more municipalities in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within sixty days after the passing of the by-law.

Effective date of by-laws

(8) A by-law passed under subsection 6 or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Dissolution of boards

(9) When a by-law passed under subsection 6 comes into force, every school section that is wholly included in the county school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

Idem

(10) When a by-law passed under subsection 7 comes into force and the effect of the by-law is to attach one or more school sections to the county school area, every such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

Board, election of trustees

R.S.O. 1960, c. 362

(11) There shall be a board of public school trustees for every county school area, which shall be composed of the same number of trustees and elected in the same manner as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, except that there shall be no appointed trustees, provided that, where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected for each municipality and their terms of office.

(12) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the county school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 11. Interpretation of majority

(13) A board of a county school area is a corporation by the name of "The Public School Board of (*insert name of county*) County School Area Number (*insert number in order of formation*)". Name of board

(14) A board of a county school area has all the powers and shall exercise all of the duties of a township school area board. Powers and duties

(15) The rights and claims between school sections included in or affected by the formation or enlargement of a county school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*. Adjustment of claims

14.—(1) In the area served by a secondary school in a territorial district, the provincial public school inspector for the majority of the municipalities in the area may call a meeting of representatives of the councils of the municipalities, in which pupils attending the school are resident, that have each a population of less than 15,000 and of the public school boards having jurisdiction in such area. Meeting of representatives of municipalities and school boards

(2) The representatives attending a meeting may elect a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee. Consultative committee

(3) All public school boards having jurisdiction within the area under consideration by the consultative committee shall, on the request of the committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the area under consideration. Information

(4) The reports and recommendations of the committee are not binding upon the Minister, the councils or any of the public school boards having jurisdiction in the area under consideration. Reports of committee

Expenses

(5) The Minister may reimburse the members of a committee elected under this section for their actual expenses of travelling on business of the committee.

Duties of committee

(6) The public school inspector may direct the committee to report on petitions for the establishment or enlargement of district school areas and to obtain information and to make recommendations in detail regarding,

(*a*) the desirability of establishing or enlarging district school areas comprising two or more municipalities or school sections or parts thereof; and

(*b*) any other matters affecting public school education in the areas.

Establishment of district school area

(7) On or before the 1st day of July in any year, the council of a municipality within the area in which the committee has recommended the establishment of a district school area named by the committee may by by-law establish a district school area as recommended by the committee.

Enlargement of school areas

(8) On or before the 1st day of July in any year, the council of a municipality in a district school area named by the committee may by by-law enlarge the district school area as recommended by the committee.

Effective date of by-law

(9) A by-law passed under subsection 7 or 8 shall, if approved by the councils of the municipalities concerned, by the public school boards entirely within territory without municipal organization that are affected and by the Minister, come into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Dissolution of boards

(10) When a by-law passed under subsection 7 comes into force, each school section that is wholly included in the district school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

Idem

(11) When a by-law passed under subsection 8 comes into force and the effect of the by-law is to attach one or more school sections to the district school area, every

such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

Board

(12) There shall be a board of public school trustees for every district school area, which shall be composed of the same number of trustees and elected in the same manner as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, except that there shall be no appointed trustees, provided that, where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected for each municipality and their terms of office.

R.S.O. 1960, c. 362

Interpretation of majority

(13) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the district school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 12.

Name of board

(14) The board of a district school area is a corporation by the name of "The Public School Board of (*insert the name of the territorial district*) District School Area Number (*insert number in order of formation*)" or "The Public School Board of (*inserting the name of the municipality in which the secondary school is located*)" as is designated in the by-law establishing the school area.

Powers and duties

(15) A board of a district school area has all the powers and shall exercise all the duties of a township school area board.

Adjustment of claims

(16) The rights and claims between municipalities and school sections included in or affected by the formation or enlargement of a district school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*.

First election of trustees where school area formed in year in which election not normally held in municipality

15. Where a county or district school area is formed in any year and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of trustees, the council of each municipality shall pro-

vide for the election of trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections.

R.S.O. 1960, c. 330, s. 40, re-enacted

2. Section 40 of *The Public Schools Act*, as amended by section 9 of *The Public Schools Amendment Act, 1961-62* and section 5 of *The Public Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

All townships to be township school areas

40.—(1) Subject to subsections 2 to 11, on and after the 1st day of January, 1965, every township shall be a township school area.

Union school sections

(2) Every union school section, except a union school section referred to in subsection 10, that is now in existence shall, on and after the 1st day of January, 1965, form part of the township school area in which the school of the union school section is located.

Former union school sections in township school areas

(3) A former union school section that now forms part of a township school area shall continue to form part of the township school area.

Authority to detach part of township school area in another township

(4) Where a township school area of a township includes a part of another township, the council of either township may, by by-law passed before the 1st day of July in any year and approved by resolution of the other township before the 1st day of September in that year, detach such part and attach it to the township school area of the township of which it forms a part, and, where the other township neglects or refuses to give such approval, the council of the township that passed the by-law may appeal to the county council, and the county council shall dismiss the appeal or appoint a board of not more than three arbitrators who shall be neither ratepayers in the township school areas concerned nor members of the councils of the townships concerned, and such arbitrators shall determine of which township school area the part in question shall form part, and the decision of the majority of the arbitrators is final.

Appeal where two or more counties

(5) Where the part of a township school area of a township that is to be detached is situated in a county other than the county in which the township is situated, the appeal may be made to the Minister, and the Minister has the same powers as the board of arbitration.

SECTION 2. Section 40 is revised to provide for the organization of townships and small urban municipalities as township school areas, and to provide for the composition and election of boards of township school areas that include an urban municipality in the same manner as boards of education.

(6) An appeal under subsection 4 or 5 may be made within twenty days after the date of the meeting at which the council refused to give its approval or on or before the 20th day of September where the council neglects to give its approval. Time for appeal

(7) A by-law passed under subsection 4 comes into force on the 1st day of January after it is approved by the Minister. Effective date of by-laws

(8) Every urban municipality that formed part of a township school area on the 1st day of January, 1964, shall continue to form part of the township school area. Urban municipality in township school area

(9) Every urban municipality that had a population of under 1,000 according to the municipal census for the year 1963 and every urban municipality that had an average daily attendance in the public schools in the municipality of under 100 resident pupils in the year 1963 shall, on and after the 1st day of January, 1965, form part of the township school area that surrounds it or with which it has the greatest length of common boundary. Idem

(10) Every urban municipality that had a population of 1,000 or more according to the municipal census for the year 1963 and an average daily attendance in the public schools in the municipality of 100 or more resident pupils in the year 1963 and that now forms part of a union school section shall continue to form part of the union school section until the union school section is altered under section 45. Urban municipality in union school section

(11) Where territory without municipal organization is now part of a school section that is by this section added to a township school area, it shall become part of the township school area that is formed or enlarged by this section. Territory without municipal organization

(12) All rights and claims arising under this section shall be adjusted as provided in section 42. Adjustment of claims

(13) Where by this section, Certain trustees cease to hold office on Dec. 31, 1964

(*a*) an urban municipality forms part of a township school area; or

(*b*) a township school area is formed that does not include an urban municipality or a former

township school area or that does not include an urban municipality but includes two or more former township school areas; or

(*c*) a township school area is formed by adding to a township school area one or more school sections,

the trustees of the boards of the school sections included in such township school areas cease to hold office on the 31st day of December, 1964, and a new board of trustees for a township school area referred to in clause *a* shall be elected in accordance with section 40*b* and, for a township school area referred to in clause *b* or *c*, shall be elected in accordance with section 40*a*.

First election of trustees

(14) Where a new board of trustees is required to be elected under subsection 13 and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of such trustees, the council of each such municipality shall provide for the election of such trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections.

Board of public school trustees for township school area

40*a*.—(1) There shall be a board of public school trustees for every township school area, which, except as provided in section 40*b*, shall consist of five members.

Where township divided into wards

(2) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*.

Township school area that does not include urban municipality, election of trustees

(3) The election of school trustees for a township school area that does not include an urban municipality shall be by ballot and shall be held for the year in which the by-law takes effect and for each year thereafter, at the same time and place as the annual municipal elections of the township, and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at each election, and,

except as otherwise provided herein, all the provisions of this Act applicable to the election of trustees by ballot apply as nearly as may be to the election of school trustees under this section.

Nominations and elections where two or more municipalities in area

(4) Where a township school area includes two or more municipalities but does not include an urban municipality,

(*a*) the nominations for school trustees of the township school area shall be conducted by the returning officer of the municipality that has the largest equalized assessment, or, where there is no equalized assessment, the largest local assessment, in the township school area, and shall be held at the same time and place as nominations for municipal councillors in that municipality;

(*b*) the election of such school trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of the members of a municipal council;

(*c*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote; and

(*d*) if at the first election two or more trustees receive an equal number of votes or all of the trustees are declared elected by acclamation, the clerk of the municipality in which the nominations were held shall determine which of the trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered in the minutes of the board.

Term of office

(5) Of the trustees elected at the first election, the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years, and the two remaining trustees shall hold office for one year.

Subsequent elections

(6) After the first election, an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years.

Equality of votes at first election

(7) In case, at the first election of trustees, two or more trustees receive an equal number of votes, or all the trustees are declared elected by acclamation, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board.

Board of township school area that includes urban municipality

R.S.O. 1960, c. 362

40*b*.—(1) The board of a township school area that includes one or more urban municipalities shall consist of the number of elected trustees provided for boards of education under subsections 1 to 3 of section 55 of *The Secondary Schools and Boards of Education Act*, provided that,

(*a*) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected in each municipality and their terms of office;

(*b*) the municipality or municipalities that have more than one-half of the assessment for public school purposes in the township school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of clause *a*; and

(*c*) where a part of a union school section is by section 40 included in a township school area, the part so included shall not be deemed a municipality for the purposes of subsections 1 and 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

Election of trustees

(2) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Qualifications of trustees

40*c*.—(1) A person is qualified to be elected as a trustee and to sit and vote as a member of a board of,

(*a*) a township school area that does not include an urban municipality who has the qualifications required for trustees of a rural school section; and

(*b*) a township school area that includes an urban municipality who has the qualifications required for trustees of an urban board or for trustees of a rural school section.

Term of office of trustees

(2) The trustees of every township school area shall hold office until their successors are elected and a new board is organized.

Powers of board

(3) The board of a township school area has the powers of an urban public school board and of a rural public school board.

Incorporation

(4) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of (*inserting name of municipality*)".

Vesting of real and personal property in board of township school area

(5) Upon the election and organization of a board of public school trustees for a township school area, the board of public school trustees for every school section then in existence in the township school area is dissolved, and all the real and personal property vested in the board of any such school section is vested in and becomes the property of the board of the township school area.

Board responsible for obligations of each school in township school area

(6) The board of the township school area is responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area.

Auditor

(7) Where a township school area includes two or more municipalities, the auditor of the municipality that has the greatest equalized assessment shall be the auditor of the township school area books.

Powers and duties

(8) All the powers and duties of the board of a school section that becomes part of a township school area are vested in and imposed upon the board of the township school area.

Certified copy of voters' list

(9) Where a township school area includes a union school section, the clerk of each township, any portion of which forms part of the union school section, shall furnish to the clerk of the township in which the area is formed a certified copy of the list of voters qualified to vote on school matters in that portion of the township.

R.S.O. 1960, c. 330, s. 45, subs. 1, re-enacted

3. Subsection 1 of section 45 of *The Public Schools Act* is repealed and the following substituted therefor:

Union school sections, formation

(1) In a county, a union school section may be formed between an urban municipality and a part or parts of one or more townships, and in such case the union shall be considered an urban municipality.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Schools Amendment Act, 1964.*

SECTION 3. The provisions authorizing the formation of union school sections between parts of two or more adjoining townships are deleted.

BILL 54

An Act to amend The Public Schools Act

1st Reading

February 27th, 1964

2nd Reading

3rd Reading

MR. DAVIS

1964

BILL 54

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Public Schools Act

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. Sections 13, 14 and 15 are revised to provide for the appointment of consultative committees by counties and for the organization of county and district school areas composed of two or more municipalities.

BILL 54 **1964**

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 13, 14 and 15 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 330, ss. 13-15, re-enacted

13.—(1) Every council of a county shall appoint a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee. Consultative committees

(2) The council of a county may direct the committee to report on petitions for the establishment or enlargement of county school areas and to obtain information and make recommendations in detail regarding, Duties of committee

(*a*) the desirability of establishing or enlarging county school areas comprising two or more municipalities or parts thereof; and

(*b*) any other matters affecting public school education in the county.

(3) All public school boards having jurisdiction within the county shall, on the request of the consultative committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the county. Information

(4) The reports and recommendations of the committee are not binding upon the Minister, the county council or any of the public school boards having jurisdiction in the county. Committee reports

Expenses

(5) A county may reimburse the members of its consultative committee for their actual expenses of travelling on business of the committee.

Establishment of county school areas

(6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the whole or any part of the county as a county school area.

Municipalities in adjoining counties

(7) The council of a county may, by by-law passed before the 1st day of July in any year, include in a county school area one or more municipalities in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within sixty days after the passing of the by-law.

Effective date of by-laws

(8) A by-law passed under subsection 6 or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Dissolution of boards

(9) When a by-law passed under subsection 6 comes into force, every school section that is wholly included in the county school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

Idem

(10) When a by-law passed under subsection 7 comes into force and the effect of the by-law is to attach one or more school sections to the county school area, every such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

Board, election of trustees

(11) There shall be a board of public school trustees for every county school area, which shall be composed of the same number of trustees and elected in the same manner as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, except that there shall be no appointed trustees, provided that, where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected for each municipality and their terms of office.

R.S.O. 1960, c. 362

(12) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the county school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 11. Interpretation of majority

(13) A board of a county school area is a corporation by the name of "The Public School Board of (*insert name of county*) County School Area Number (*insert number in order of formation*)". Name of board

(14) A board of a county school area has all the powers and shall exercise all of the duties of a township school area board. Powers and duties

(15) The rights and claims between school sections included in or affected by the formation or enlargement of a county school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*. Adjustment of claims

14.—(1) In the area served by a secondary school in a territorial district, the provincial public school inspector for the majority of the municipalities in the area may call a meeting of representatives of the councils of the municipalities, in which pupils attending the school are resident, that have each a population of less than 15,000 and of the public school boards having jurisdiction in such area. Meeting of representatives of municipalities and school boards

(2) The representatives attending a meeting may elect a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee. Consultative committee

(3) All public school boards having jurisdiction within the area under consideration by the consultative committee shall, on the request of the committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the area under consideration. Information

(4) The reports and recommendations of the committee are not binding upon the Minister, the councils or any of the public school boards having jurisdiction in the area under consideration. Reports of committee

Expenses

(5) The Minister may reimburse the members of a committee elected under this section for their actual expenses of travelling on business of the committee.

Duties of committee

(6) The public school inspector may direct the committee to report on petitions for the establishment or enlargement of district school areas and to obtain information and to make recommendations in detail regarding,

(*a*) the desirability of establishing or enlarging district school areas comprising two or more municipalities or school sections or parts thereof; and

(*b*) any other matters affecting public school education in the areas.

Establishment of district school area

(7) On or before the 1st day of July in any year, the council of a municipality within the area in which the committee has recommended the establishment of a district school area named by the committee may by by-law establish a district school area as recommended by the committee.

Enlargement of school areas

(8) On or before the 1st day of July in any year, the council of a municipality in a district school area named by the committee may by by-law enlarge the district school area as recommended by the committee.

Effective date of by-law

(9) A by-law passed under subsection 7 or 8 shall, if approved by the councils of the municipalities concerned, by the public school boards entirely within territory without municipal organization that are affected and by the Minister, come into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Dissolution of boards

(10) When a by-law passed under subsection 7 comes into force, each school section that is wholly included in the district school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

Idem

(11) When a by-law passed under subsection 8 comes into force and the effect of the by-law is to attach one or more school sections to the district school area, every

such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

Board

(12) There shall be a board of public school trustees for every district school area, which shall be composed of the same number of trustees and elected in the same manner as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, except that there shall be no appointed trustees, provided that, where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected for each municipality and their terms of office.

R.S.O. 1960, c. 362

Interpretation of majority

(13) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the district school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 12.

Name of board

(14) The board of a district school area is a corporation by the name of "The Public School Board of (*insert the name of the territorial district*) District School Area Number (*insert number in order of formation*)" or "The Public School Board of (*inserting the name of the municipality in which the secondary school is located*)" as is designated in the by-law establishing the school area.

Powers and duties

(15) A board of a district school area has all the powers and shall exercise all the duties of a township school area board.

Adjustment of claims

(16) The rights and claims between municipalities and school sections included in or affected by the formation or enlargement of a district school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*.

First election of trustees where school area formed in year in which election not normally held in municipality

15. Where a county or district school area is formed in any year and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of trustees, the council of each municipality shall pro-

vide for the election of trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections.

R.S.O. 1960, c. 330, s. 40, re-enacted

2. Section 40 of *The Public Schools Act*, as amended by section 9 of *The Public Schools Amendment Act, 1961-62* and section 5 of *The Public Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

All townships to be township school areas

40.—(1) Subject to subsections 2 to 11 and sections 13 and 14, on and after the 1st day of January, 1965, every township shall be a township school area.

Union school sections

(2) Every union school section, except a union school section referred to in subsection 10, that is now in existence shall, on and after the 1st day of January, 1965, form part of the township school area in which the school of the union school section is located.

Former union school sections in township school areas

(3) A former union school section that now forms part of a township school area shall continue to form part of the township school area.

Authority to detach part of township school area in another township

(4) Where a township school area of a township includes a part of another township, the council of either township may, by by-law passed before the 1st day of July in any year and approved by resolution of the other township before the 1st day of September in that year, detach such part and attach it to the township school area of the township of which it forms a part, and, where the other township neglects or refuses to give such approval, the council of the township that passed the by-law may appeal to the county council, and the county council shall dismiss the appeal or appoint a board of not more than three arbitrators who shall be neither ratepayers in the township school areas concerned nor members of the councils of the townships concerned, and such arbitrators shall determine of which township school area the part in question shall form part, and the decision of the majority of the arbitrators is final.

Appeal where two or more counties

(5) Where the part of a township school area of a township that is to be detached is situated in a county other than the county in which the township is situated, the appeal may be made to the Minister, and the Minister has the same powers as the board of arbitration.

SECTION 2. Section 40 is revised to provide for the organization of townships and small urban municipalities as township school areas, and to provide for the composition and election of boards of township school areas that include an urban municipality in the same manner as boards of education.

(6) An appeal under subsection 4 or 5 may be made within twenty days after the date of the meeting at which the council refused to give its approval or on or before the 20th day of September where the council neglects to give its approval. Time for appeal

(7) A by-law passed under subsection 4 comes into force on the 1st day of January after it is approved by the Minister. Effective date of by-laws

(8) Every urban municipality that formed part of a township school area on the 1st day of January, 1964, shall continue to form part of the township school area. Urban municipality in township school area

(9) Every urban municipality that had a population of under 1,000 according to the municipal census for the year 1963 and every urban municipality that had an average daily attendance in the public schools in the municipality of under 100 resident pupils in the year 1963 shall, on and after the 1st day of January, 1965, form part of the township school area that surrounds it or with which it has the greatest length of common boundary. Idem

(10) Every urban municipality that had a population of 1,000 or more according to the municipal census for the year 1963 and an average daily attendance in the public schools in the municipality of 100 or more resident pupils in the year 1963 and that now forms part of a union school section shall continue to form part of the union school section until the union school section is altered under section 45. Urban municipality in union school section

(11) Where territory without municipal organization is now part of a school section that is by this section added to a township school area, it shall become part of the township school area that is formed or enlarged by this section. Territory without municipal organization

(12) All rights and claims arising under this section shall be adjusted as provided in section 42. Adjustment of claims

(13) Where by this section, Certain trustees cease to hold office on Dec. 31, 1964

(*a*) an urban municipality forms part of a township school area; or

(*b*) a township school area is formed that does not include an urban municipality or a former

township school area or that does not include an urban municipality but includes two or more former township school areas; or

(*c*) a township school area is formed by adding to a township school area one or more school sections,

the trustees of the boards of the school sections included in such township school areas cease to hold office on the 31st day of December, 1964, and a new board of trustees for a township school area referred to in clause *a* shall be elected in accordance with section 40*b* and, for a township school area referred to in clause *b* or *c*, shall be elected in accordance with section 40*a*.

First election of trustees

(14) Where a new board of trustees is required to be elected under subsection 13 and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of such trustees, the council of each such municipality shall provide for the election of such trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections.

Board of public school trustees for township school area

40*a*.—(1) There shall be a board of public school trustees for every township school area, which, except as provided in section 40*b*, shall consist of five members.

Where township divided into wards

(2) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*.

Township school area that does not include urban municipality, election of trustees

(3) The election of school trustees for a township school area that does not include an urban municipality shall be by ballot and shall be held for the year in which the by-law takes effect and for each year thereafter, at the same time and place as the annual municipal elections of the township, and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at each election, and,

except as otherwise provided herein, all the provisions of this Act applicable to the election of trustees by ballot apply as nearly as may be to the election of school trustees under this section.

(4) Where a township school area includes two or more municipalities but does not include an urban municipality, Nominations and elections where two or more municipalities in area

(*a*) the nominations for school trustees of the township school area shall be conducted by the returning officer of the municipality that has the largest equalized assessment, or, where there is no equalized assessment, the largest local assessment, in the township school area, and shall be held at the same time and place as nominations for municipal councillors in that municipality;

(*b*) the election of such school trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of the members of a municipal council;

(*c*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote; and

(*d*) if at the first election two or more trustees receive an equal number of votes or all of the trustees are declared elected by acclamation, the clerk of the municipality in which the nominations were held shall determine which of the trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered in the minutes of the board.

(5) Of the trustees elected at the first election, the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years, and the two remaining trustees shall hold office for one year. Term of office

Subsequent elections

(6) After the first election, an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years.

Equality of votes at first election

(7) In case, at the first election of trustees, two or more trustees receive an equal number of votes, or all the trustees are declared elected by acclamation, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board.

Board of township school area that includes urban municipality

R.S.O. 1960, c. 362

40*b*.—(1) The board of a township school area that includes one or more urban municipalities shall consist of the number of elected trustees provided for boards of education under subsections 1 to 3 of section 55 of *The Secondary Schools and Boards of Education Act*, provided that,

(*a*) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected in each municipality and their terms of office;

(*b*) the municipality or municipalities that have more than one-half of the assessment for public school purposes in the township school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of clause *a*; and

(*c*) where a part of a union school section is by section 40 included in a township school area, the part so included shall not be deemed a municipality for the purposes of subsections 1 and 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

Election of trustees

(2) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Qualifications of trustees

40*c*.—(1) A person is qualified to be elected as a trustee and to sit and vote as a member of a board of,

(*a*) a township school area that does not include an urban municipality who has the qualifications required for trustees of a rural school section; and

(*b*) a township school area that includes an urban municipality who has the qualifications required for trustees of an urban board or for trustees of a rural school section.

Term of office of trustees

(2) The trustees of every township school area shall hold office until their successors are elected and a new board is organized.

Powers of board

(3) The board of a township school area has the powers of an urban public school board and of a rural public school board.

Incorporation

(4) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of (*inserting name of municipality*)".

Vesting of real and personal property in board of township school area

(5) Upon the election and organization of a board of public school trustees for a township school area, the board of public school trustees for every school section then in existence in the township school area is dissolved, and all the real and personal property vested in the board of any such school section is vested in and becomes the property of the board of the township school area.

Board responsible for obligations of each school in township school area

(6) The board of the township school area is responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area.

Auditor

(7) Where a township school area includes two or more municipalities, the auditor of the municipality that has the greatest equalized assessment shall be the auditor of the township school area books.

Powers and duties

(8) All the powers and duties of the board of a school section that becomes part of a township school area are vested in and imposed upon the board of the township school area.

Certified copy of voters' list

(9) Where a township school area includes a union school section, the clerk of each township, any portion of which forms part of the union school section, shall furnish to the clerk of the township in which the area is formed a certified copy of the list of voters qualified to vote on school matters in that portion of the township.

R.S.O. 1960, c. 330, s. 45, subs. 1, re-enacted

3. Subsection 1 of section 45 of *The Public Schools Act* is repealed and the following substituted therefor:

Union school sections, formation

(1) In a county, a union school section may be formed between an urban municipality and a part or parts of one or more townships, and in such case the union shall be considered an urban municipality.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Schools Amendment Act, 1964.*

SECTION 3. The provisions authorizing the formation of union school sections between parts of two or more adjoining townships are deleted.

BILL 54

An Act to amend The Public Schools Act

1st Reading

February 27th, 1964

2nd Reading

March 11th, 1964

3rd Reading

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

1964

BILL 54

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Public Schools Act

MR. DAVIS

(Reprinted as amended by the Committee of the Whole House)

TORONTO
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Explanatory Notes

Section 1. Sections 13, 14 and 15 are revised to provide for the appointment of consultative committees by counties and for the organization of county and district school areas composed of two or more municipalities.

BILL 54 **1964**

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 13, 14 and 15 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 330, ss. 13-15, re-enacted

13.—(1) Every council of a county shall appoint a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee. Consultative committees

(2) The council of a county may direct the committee to report on petitions for the establishment or enlargement of county school areas and to obtain information and make recommendations in detail regarding, Duties of committee

(*a*) the desirability of establishing or enlarging county school areas comprising two or more municipalities or parts thereof; and

(*b*) any other matters affecting public school education in the county.

(3) All public school boards having jurisdiction within the county shall, on the request of the consultative committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the county. Information

(4) The reports and recommendations of the committee are not binding upon the Minister, the county council or any of the public school boards having jurisdiction in the county. Committee reports

Expenses

(5) A county may reimburse the members of its consultative committee for their actual expenses of travelling on business of the committee.

Establishment of county school areas

(6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the whole or any part of the county as a county school area.

Municipalities in adjoining counties

(7) The council of a county may, by by-law passed before the 1st day of July in any year, include in a county school area one or more municipalities in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within sixty days after the passing of the by-law.

Effective date of by-laws

(8) A by-law passed under subsection 6 or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Dissolution of boards

(9) When a by-law passed under subsection 6 comes into force, every school section that is wholly included in the county school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

Idem

(10) When a by-law passed under subsection 7 comes into force and the effect of the by-law is to attach one or more school sections to the county school area, every such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

Board, election of trustees

R.S.O. 1960, c. 362

(11) There shall be a board of public school trustees for every county school area, which shall be composed of the same number of trustees and elected in the same manner as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, except that there shall be no appointed trustees, provided that, where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected for each municipality and their terms of office.

(12) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the county school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 11. Interpretation of majority

(13) A board of a county school area is a corporation by the name of "The Public School Board of (*insert name of county*) County School Area Number (*insert number in order of formation*)". Name of board

(14) A board of a county school area has all the powers and shall exercise all of the duties of a township school area board. Powers and duties

(15) The rights and claims between school sections included in or affected by the formation or enlargement of a county school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*. Adjustment of claims

14.—(1) In the area served by a secondary school in a territorial district, the provincial public school inspector for the majority of the municipalities in the area may call a meeting of representatives of the councils of the municipalities, in which pupils attending the school are resident, that have each a population of less than 15,000 and of the public school boards having jurisdiction in such area. Meeting of representatives of municipalities and school boards

(2) The representatives attending a meeting may elect a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee. Consultative committee

(3) All public school boards having jurisdiction within the area under consideration by the consultative committee shall, on the request of the committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the area under consideration. Information

(4) The reports and recommendations of the committee are not binding upon the Minister, the councils or any of the public school boards having jurisdiction in the area under consideration. Reports of committee

Expenses

(5) The Minister may reimburse the members of a committee elected under this section for their actual expenses of travelling on business of the committee.

Duties of committee

(6) The public school inspector may direct the committee to report on petitions for the establishment or enlargement of district school areas and to obtain information and to make recommendations in detail regarding,

(*a*) the desirability of establishing or enlarging district school areas comprising two or more municipalities or school sections or parts thereof; and

(*b*) any other matters affecting public school education in the areas.

Establishment of district school area

(7) On or before the 1st day of July in any year, the council of a municipality within the area in which the committee has recommended the establishment of a district school area named by the committee may by by-law establish a district school area as recommended by the committee.

Enlargement of school areas

(8) On or before the 1st day of July in any year, the council of a municipality in a district school area named by the committee may by by-law enlarge the district school area as recommended by the committee.

Effective date of by-law

(9) A by-law passed under subsection 7 or 8 shall, if approved by the councils of the municipalities concerned, by the public school boards entirely within territory without municipal organization that are affected and by the Minister, come into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Dissolution of boards

(10) When a by-law passed under subsection 7 comes into force, each school section that is wholly included in the district school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

Idem

(11) When a by-law passed under subsection 8 comes into force and the effect of the by-law is to attach one or more school sections to the district school area, every

such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

(12) There shall be a board of public school trustees for every district school area, which shall be composed of the same number of trustees and elected in the same manner as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, except that there shall be no appointed trustees, provided that, where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected for each municipality and their terms of office. Board R.S.O. 1960, c. 362

(13) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the district school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 12. Interpretation of majority

(14) The board of a district school area is a corporation by the name of "The Public School Board of (*insert the name of the territorial district*) District School Area Number (*insert number in order of formation*)" or "The Public School Board of (*inserting the name of the municipality in which the secondary school is located*)" as is designated in the by-law establishing the school area. Name of board

(15) A board of a district school area has all the powers and shall exercise all the duties of a township school area board. Powers and duties

(16) The rights and claims between municipalities and school sections included in or affected by the formation or enlargement of a district school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*. Adjustment of claims

15. Where a county or district school area is formed in any year and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of trustees, the council of each municipality shall pro- First election of trustees where school area formed in year in which election not normally held in municipality

vide for the election of trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections.

R.S.O. 1960, c. 330, s. 40, re-enacted

2. Section 40 of *The Public Schools Act*, as amended by section 9 of *The Public Schools Amendment Act, 1961-62* and section 5 of *The Public Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

All townships to be township school areas

40.—(1) Subject to subsections 2 to 12 and sections 13 and 14, on and after the 1st day of January, 1965, every township shall be a township school area.

Union school sections

(2) Every union school section, except a union school section referred to in subsection 10, that is now in existence shall, on and after the 1st day of January, 1965, form part of the township school area in which the school of the union school section is located.

Former union school sections in township school areas

(3) A former union school section that now forms part of a township school area shall continue to form part of the township school area.

Authority to detach part of township school area in another township

(4) Where a township school area of a township includes a part of another township, the council of either township may, by by-law passed before the 1st day of July in any year and approved by resolution of the other township before the 1st day of September in that year, detach such part and attach it to the township school area of the township of which it forms a part, and, where the other township neglects or refuses to give such approval, the council of the township that passed the by-law may appeal to the county council, and the county council shall dismiss the appeal or appoint a board of not more than three arbitrators who shall be neither ratepayers in the township school areas concerned nor members of the councils of the townships concerned, and such arbitrators shall determine of which township school area the part in question shall form part, and the decision of the majority of the arbitrators is final.

Appeal where two or more counties

(5) Where the part of a township school area of a township that is to be detached is situated in a county other than the county in which the township is situated, the appeal may be made to the Minister, and the Minister has the same powers as the board of arbitration.

SECTION 2. Section 40 is revised to provide for the organization of townships and small urban municipalities as township school areas, and to provide for the composition and election of boards of township school areas that include an urban municipality in the same manner as boards of education.

(6) An appeal under subsection 4 or 5 may be made within twenty days after the date of the meeting at which the council refused to give its approval or on or before the 20th day of September where the council neglects to give its approval. Time for appeal

(7) A by-law passed under subsection 4 comes into force on the 1st day of January after it is approved by the Minister. Effective date of by-laws

(8) Every urban municipality that formed part of a township school area on the 1st day of January, 1964, shall continue to form part of the township school area. Urban municipality in township school area

(9) Every urban municipality that had a population of under 1,000 according to the municipal census for the year 1963 and every urban municipality that had an average daily attendance in the public schools in the municipality of under 100 resident pupils in the year 1963 shall, on and after the 1st day of January, 1965, form part of the township school area that surrounds it or with which it has the greatest length of common boundary. Idem

(10) Every urban municipality that had a population of 1,000 or more according to the municipal census for the year 1963 and an average daily attendance in the public schools in the municipality of 100 or more resident pupils in the year 1963 and that now forms part of a union school section shall continue to form part of the union school section until the union school section is altered under section 45. Urban municipality in union school section

(11) Where a township has a population of more than 10,000 according to the municipal census for the year 1963, the Minister may divide the township into two township school areas, provided that neither area had in its public schools for the year 1963 an average daily attendance of under 300 pupils. Division of township into two township school areas

(12) Where territory without municipal organization is now part of a school section that is by this section added to a township school area, it shall become part of the township school area that is formed or enlarged by this section. Territory without municipal organization

(13) All rights and claims arising under this section shall be adjusted as provided in section 42. Adjustment of claims

(14) Where by this section, Certain trustees cease to hold office on Dec. 31, 1964

(*a*) an urban municipality forms part of a township school area; or

(*b*) a township school area is formed that does not include an urban municipality or a former township school area or that does not include an urban municipality but includes two or more former township school areas; or

(*c*) a township school area is formed by adding to a township school area one or more school sections,

the trustees of the boards of the school sections included in such township school areas cease to hold office on the 31st day of December, 1964, and a new board of trustees for a township school area referred to in clause *a* shall be elected in accordance with section 40*b* and, for a township school area referred to in clause *b* or *c*, shall be elected in accordance with section 40*a*.

First election of trustees

(15) Where a new board of trustees is required to be elected under subsection 14 and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of such trustees, the council of each such municipality shall provide for the election of such trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections.

Board of public school trustees for township school area

40*a*.—(1) There shall be a board of public school trustees for every township school area, which, except as provided in section 40*b*, shall consist of five members.

Where township divided into wards

(2) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*.

Township school area that does not include urban municipality, election of trustees

(3) The election of school trustees for a township school area that does not include an urban municipality shall be by ballot and shall be held for the year in which the by-law takes effect and for each year thereafter, at the same time and place as the annual municipal elections of the township, and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at each election, and,

except as otherwise provided herein, all the provisions of this Act applicable to the election of trustees by ballot apply as nearly as may be to the election of school trustees under this section.

Nominations and elections where two or more municipalities in area

(4) Where a township school area includes two or more municipalities but does not include an urban municipality,

(*a*) the nominations for school trustees of the township school area shall be conducted by the returning officer of the municipality that has the largest equalized assessment, or, where there is no equalized assessment, the largest local assessment, in the township school area, and shall be held at the same time and place as nominations for municipal councillors in that municipality;

(*b*) the election of such school trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of the members of a municipal council;

(*c*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote; and

(*d*) if at the first election two or more trustees receive an equal number of votes or all of the trustees are declared elected by acclamation, the clerk of the municipality in which the nominations were held shall determine which of the trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered in the minutes of the board.

Term of office

(5) Of the trustees elected at the first election, the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years, and the two remaining trustees shall hold office for one year.

Subsequent elections

(6) After the first election, an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years.

Equality of votes at first election

(7) In case, at the first election of trustees, two or more trustees receive an equal number of votes, or all the trustees are declared elected by acclamation, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board.

Board of township school area that includes urban municipality

R.S.O. 1960, c. 362

40*b*.—(1) The board of a township school area that includes one or more urban municipalities shall consist of the number of elected trustees provided for boards of education under subsections 1 to 3 of section 55 of *The Secondary Schools and Boards of Education Act*, provided that,

(*a*) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected in each municipality and their terms of office;

(*b*) the municipality or municipalities that have more than one-half of the assessment for public school purposes in the township school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of clause *a*; and

(*c*) where a part of a union school section is by section 40 included in a township school area, the part so included shall not be deemed a municipality for the purposes of subsections 1 and 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

Election of trustees

(2) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Qualifications of trustees

40*c*.—(1) A person is qualified to be elected as a trustee and to sit and vote as a member of a board of,

(*a*) a township school area that does not include an urban municipality who has the qualifications required for trustees of a rural school section; and

(*b*) a township school area that includes an urban municipality who has the qualifications required for trustees of an urban board or for trustees of a rural school section.

Term of office of trustees

(2) The trustees of every township school area shall hold office until their successors are elected and a new board is organized.

Powers of board

(3) The board of a township school area has the powers of an urban public school board and of a rural public school board.

Incorporation

(4) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of (*inserting name of municipality*)".

Vesting of real and personal property in board of township school area

(5) Upon the election and organization of a board of public school trustees for a township school area, the board of public school trustees for every school section then in existence in the township school area is dissolved, and all the real and personal property vested in the board of any such school section is vested in and becomes the property of the board of the township school area.

Board responsible for obligations of each school in township school area

(6) The board of the township school area is responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area.

Auditor

(7) Where a township school area includes two or more municipalities, the auditor of the municipality that has the greatest equalized assessment shall be the auditor of the township school area books.

Powers and duties

(8) All the powers and duties of the board of a school section that becomes part of a township school area are vested in and imposed upon the board of the township school area.

Certified copy of voters' list

(9) Where a township school area includes a union school section, the clerk of each township, any portion of which forms part of the union school section, shall furnish to the clerk of the township in which the area is formed a certified copy of the list of voters qualified to vote on school matters in that portion of the township.

R.S.O. 1960, c. 330, s. 45, subs. 1, re-enacted

3. Subsection 1 of section 45 of *The Public Schools Act* is repealed and the following substituted therefor:

Union school sections, formation

(1) In a county, a union school section may be formed between an urban municipality and a part or parts of one or more townships, and in such case the union shall be considered an urban municipality.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Schools Amendment Act, 1964.*

SECTION 3. The provisions authorizing the formation of union school sections between parts of two or more adjoining townships are deleted.

BILL 54

An Act to amend The Public Schools Act

1st Reading

February 27th, 1964

2nd Reading

March 11th, 1964

3rd Reading

MR. DAVIS

(Reprinted as amended by the Committee of the Whole House)

1964

BILL 54

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Public Schools Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 54 **1964**

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 13, 14 and 15 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 330, ss. 13-15, re-enacted

13.—(1) Every council of a county shall appoint a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee. Consultative committees

(2) The council of a county may direct the committee to report on petitions for the establishment or enlargement of county school areas and to obtain information and make recommendations in detail regarding, Duties of committee

(*a*) the desirability of establishing or enlarging county school areas comprising two or more municipalities or parts thereof; and

(*b*) any other matters affecting public school education in the county.

(3) All public school boards having jurisdiction within the county shall, on the request of the consultative committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the county. Information

(4) The reports and recommendations of the committee are not binding upon the Minister, the county council or any of the public school boards having jurisdiction in the county. Committee reports

Expenses

(5) A county may reimburse the members of its consultative committee for their actual expenses of travelling on business of the committee.

Establishment of county school areas

(6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the whole or any part of the county as a county school area.

Municipalities in adjoining counties

(7) The council of a county may, by by-law passed before the 1st day of July in any year, include in a county school area one or more municipalities in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within sixty days after the passing of the by-law.

Effective date of by-laws

(8) A by-law passed under subsection 6 or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Dissolution of boards

(9) When a by-law passed under subsection 6 comes into force, every school section that is wholly included in the county school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

Idem

(10) When a by-law passed under subsection 7 comes into force and the effect of the by-law is to attach one or more school sections to the county school area, every such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area.

Board, election of trustees

(11) There shall be a board of public school trustees for every county school area, which shall be composed of the same number of trustees and elected in the same manner as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, except that there shall be no appointed trustees, provided that, where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected for each municipality and their terms of office.

R.S.O. 1960, c. 362

(12) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the county school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 11. Interpretation of majority

(13) A board of a county school area is a corporation by the name of "The Public School Board of (*insert name of county*) County School Area Number (*insert number in order of formation*)". Name of board

(14) A board of a county school area has all the powers and shall exercise all of the duties of a township school area board. Powers and duties

(15) The rights and claims between school sections included in or affected by the formation or enlargement of a county school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*. Adjustment of claims

14.—(1) In the area served by a secondary school in a territorial district, the provincial public school inspector for the majority of the municipalities in the area may call a meeting of representatives of the councils of the municipalities, in which pupils attending the school are resident, that have each a population of less than 15,000 and of the public school boards having jurisdiction in such area. Meeting of representatives of municipalities and school boards

(2) The representatives attending a meeting may elect a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee. Consultative committee

(3) All public school boards having jurisdiction within the area under consideration by the consultative committee shall, on the request of the committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the area under consideration. Information

(4) The reports and recommendations of the committee are not binding upon the Minister, the councils or any of the public school boards having jurisdiction in the area under consideration. Reports of committee

Expenses

(5) The Minister may reimburse the members of a committee elected under this section for their actual expenses of travelling on business of the committee.

Duties of committee

(6) The public school inspector may direct the committee to report on petitions for the establishment or enlargement of district school areas and to obtain information and to make recommendations in detail regarding,

(*a*) the desirability of establishing or enlarging district school areas comprising two or more municipalities or school sections or parts thereof; and

(*b*) any other matters affecting public school education in the areas.

Establishment of district school area

(7) On or before the 1st day of July in any year, the council of a municipality within the area in which the committee has recommended the establishment of a district school area named by the committee may by by-law establish a district school area as recommended by the committee.

Enlargement of school areas

(8) On or before the 1st day of July in any year, the council of a municipality in a district school area named by the committee may by by-law enlarge the district school area as recommended by the committee.

Effective date of by-law

(9) A by-law passed under subsection 7 or 8 shall, if approved by the councils of the municipalities concerned, by the public school boards entirely within territory without municipal organization that are affected and by the Minister, come into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Dissolution of boards

(10) When a by-law passed under subsection 7 comes into force, each school section that is wholly included in the district school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

Idem

(11) When a by-law passed under subsection 8 comes into force and the effect of the by-law is to attach one or more school sections to the district school area, every

such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area.

(12) There shall be a board of public school trustees for every district school area, which shall be composed of the same number of trustees and elected in the same manner as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, except that there shall be no appointed trustees, provided that, where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected for each municipality and their terms of office. Board R.S.O. 1960, c. 362

(13) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the district school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 12. Interpretation of majority

(14) The board of a district school area is a corporation by the name of "The Public School Board of (*insert the name of the territorial district*) District School Area Number (*insert number in order of formation*)" or "The Public School Board of (*inserting the name of the municipality in which the secondary school is located*) District School Area" as is designated in the by-law establishing the school area. Name of board

(15) A board of a district school area has all the powers and shall exercise all the duties of a township school area board. Powers and duties

(16) The rights and claims between municipalities and school sections included in or affected by the formation or enlargement of a district school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*. Adjustment of claims

15. Where a county or district school area is formed in any year and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of trustees, the council of each municipality shall pro- First election of trustees where school area formed in year in which election not normally held in municipality

vide for the election of trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections.

R.S.O. 1960, c. 330, s. 40, re-enacted

2. Section 40 of *The Public Schools Act*, as amended by section 9 of *The Public Schools Amendment Act, 1961-62* and section 5 of *The Public Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

All townships to be township school areas

40.—(1) Subject to subsections 2 to 12 and sections 13 and 14, on and after the 1st day of January, 1965, every township shall be a township school area.

Union school sections

(2) Every union school section, except a union school section referred to in subsection 10, that is now in existence shall, on and after the 1st day of January, 1965, form part of the township school area in which the school of the union school section is located.

Former union school sections in township school areas

(3) A former union school section that now forms part of a township school area shall continue to form part of the township school area.

Authority to detach part of township school area in another township

(4) Where a township school area of a township includes a part of another township, the council of either township may, by by-law passed before the 1st day of July in any year and approved by resolution of the other township before the 1st day of September in that year, detach such part and attach it to the township school area of the township of which it forms a part, and, where the other township neglects or refuses to give such approval, the council of the township that passed the by-law may appeal to the county council, and the county council shall dismiss the appeal or appoint a board of not more than three arbitrators who shall be neither ratepayers in the township school areas concerned nor members of the councils of the townships concerned, and such arbitrators shall determine of which township school area the part in question shall form part, and the decision of the majority of the arbitrators is final.

Appeal where two or more counties

(5) Where the part of a township school area of a township that is to be detached is situated in a county other than the county in which the township is situated, the appeal may be made to the Minister, and the Minister has the same powers as the board of arbitration.

(6) An appeal under subsection 4 or 5 may be made within twenty days after the date of the meeting at which the council refused to give its approval or on or before the 20th day of September where the council neglects to give its approval. Time for appeal

(7) A by-law passed under subsection 4 comes into force on the 1st day of January after it is approved by the Minister. Effective date of by-laws

(8) Every urban municipality that formed part of a township school area on the 1st day of January, 1964, shall continue to form part of the township school area. Urban municipality in township school area

(9) Every urban municipality that had a population of under 1,000 according to the municipal census for the year 1963 and every urban municipality that had an average daily attendance in the public schools in the municipality of under 100 resident pupils in the year 1963 shall, on and after the 1st day of January, 1965, form part of the township school area that surrounds it or with which it has the greatest length of common boundary. Idem

(10) Every urban municipality that had a population of 1,000 or more according to the municipal census for the year 1963 and an average daily attendance in the public schools in the municipality of 100 or more resident pupils in the year 1963 and that now forms part of a union school section shall continue to form part of the union school section until the union school section is altered under section 45. Urban municipality in union school section

(11) Where a township has a population of more than 10,000 according to the municipal census for the year 1963, the Minister may divide the township into two township school areas, provided that neither area had in its public schools for the year 1963 an average daily attendance of under 300 pupils. Division of township into two township school areas

(12) Where territory without municipal organization is now part of a school section that is by this section added to a township school area, it shall become part of the township school area that is formed or enlarged by this section. Territory without municipal organization

(13) All rights and claims arising under this section shall be adjusted as provided in section 42. Adjustment of claims

(14) Where by this section, Certain trustees cease to hold office on Dec. 31, 1964

(*a*) an urban municipality forms part of a township school area; or

(*b*) a township school area is formed that does not include an urban municipality or a former township school area or that does not include an urban municipality but includes two or more former township school areas; or

(*c*) a township school area is formed by adding to a township school area one or more school sections,

the trustees of the boards of the school sections included in such township school areas cease to hold office on the 31st day of December, 1964, and a new board of trustees for a township school area referred to in clause *a* shall be elected in accordance with section 40*b* and, for a township school area referred to in clause *b* or *c*, shall be elected in accordance with section 40*a*.

First election of trustees

(15) Where a new board of trustees is required to be elected under subsection 14 and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of such trustees, the council of each such municipality shall provide for the election of such trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections.

Board of public school trustees for township school area

40*a*.—(1) There shall be a board of public school trustees for every township school area, which, except as provided in section 40*b*, shall consist of five members.

Where township divided into wards

(2) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*.

Township school area that does not include urban municipality, election of trustees

(3) The election of school trustees for a township school area that does not include an urban municipality shall be by ballot and shall be held for the year in which the by-law takes effect and for each year thereafter, at the same time and place as the annual municipal elections of the township, and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at each election, and,

except as otherwise provided herein, all the provisions of this Act applicable to the election of trustees by ballot apply as nearly as may be to the election of school trustees under this section.

Nominations and elections where two or more municipalities in area

(4) Where a township school area includes two or more municipalities but does not include an urban municipality,

(*a*) the nominations for school trustees of the township school area shall be conducted by the returning officer of the municipality that has the largest equalized assessment, or, where there is no equalized assessment, the largest local assessment, in the township school area, and shall be held at the same time and place as nominations for municipal councillors in that municipality;

(*b*) the election of such school trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of the members of a municipal council;

(*c*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote; and

(*d*) if at the first election two or more trustees receive an equal number of votes or all of the trustees are declared elected by acclamation, the clerk of the municipality in which the nominations were held shall determine which of the trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered in the minutes of the board.

Term of office

(5) Of the trustees elected at the first election, the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years, and the two remaining trustees shall hold office for one year.

Subsequent elections

(6) After the first election, an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years.

Equality of votes at first election

(7) In case, at the first election of trustees, two or more trustees receive an equal number of votes, or all the trustees are declared elected by acclamation, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board.

Board of township school area that includes urban municipality

R.S.O. 1960, c. 362

40*b*.—(1) The board of a township school area that includes one or more urban municipalities shall consist of the number of elected trustees provided for boards of education under subsections 1 to 3 of section 55 of *The Secondary Schools and Boards of Education Act*, provided that,

(*a*) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected in each municipality and their terms of office;

(*b*) the municipality or municipalities that have more than one-half of the assessment for public school purposes in the township school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of clause *a*; and

(*c*) where a part of a union school section is by section 40 included in a township school area, the part so included shall not be deemed a municipality for the purposes of subsections 1 and 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

Election of trustees

(2) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Qualifications of trustees

40*c*.—(1) A person is qualified to be elected as a trustee and to sit and vote as a member of a board of,

(*a*) a township school area that does not include an urban municipality who has the qualifications required for trustees of a rural school section; and

(*b*) a township school area that includes an urban municipality who has the qualifications required for trustees of an urban board or for trustees of a rural school section.

Term of office of trustees

(2) The trustees of every township school area shall hold office until their successors are elected and a new board is organized.

Powers of board

(3) The board of a township school area has the powers of an urban public school board and of a rural public school board.

Incorporation

(4) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of (*inserting name of municipality*)".

Vesting of real and personal property in board of township school area

(5) Upon the election and organization of a board of public school trustees for a township school area, the board of public school trustees for every school section then in existence in the township school area is dissolved, and all the real and personal property vested in the board of any such school section is vested in and becomes the property of the board of the township school area.

Board responsible for obligations of each school in township school area

(6) The board of the township school area is responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area.

Auditor

(7) Where a township school area includes two or more municipalities, the auditor of the municipality that has the greatest equalized assessment shall be the auditor of the township school area books.

Powers and duties

(8) All the powers and duties of the board of a school section that becomes part of a township school area are vested in and imposed upon the board of the township school area.

Certified copy of voters' list

(9) Where a township school area includes a union school section, the clerk of each township, any portion of which forms part of the union school section, shall furnish to the clerk of the township in which the area is formed a certified copy of the list of voters qualified to vote on school matters in that portion of the township.

R.S.O. 1960, c. 330, s. 45, subs. 1, re-enacted

3. Subsection 1 of section 45 of *The Public Schools Act* is repealed and the following substituted therefor:

Union school sections, formation

(1) In a county, a union school section may be formed between an urban municipality and a part or parts of one or more townships, and in such case the union shall be considered an urban municipality.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Schools Amendment Act, 1964.*

An Act to amend The Public Schools Act

1st Reading

February 27th, 1964

2nd Reading

March 11th, 1964

3rd Reading

May 7th, 1964

MR. DAVIS

1964

BILL 55

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to permit the Foundation to pay remuneration to members of the medical advisory board.

BILL 55 1964

An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Alcoholism and Drug Addiction Research Foundation Act, 1949* is repealed and the following substituted therefor: 1949, c. 4, s. 13, re-enacted

13.—(1) Each member of the Foundation and of its medical advisory board shall be paid his proper travelling and other expenses incurred in the work of the Foundation. Expenses

(2) The members of the medical advisory board shall be paid such remuneration as the Foundation determines from time to time. Remuneration

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1964.* Short title

An Act to amend
The Alcoholism and Drug Addiction
Research Foundation Act, 1949

1st Reading

March 3rd, 1964

2nd Reading

3rd Reading

MR. DYMOND

1964

BILL 55

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 55 **1964**

An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Alcoholism and Drug Addiction Research Foundation Act, 1949* is repealed and the following substituted therefor: 1949, c. 4, s. 13, re-enacted

13.—(1) Each member of the Foundation and of its medical advisory board shall be paid his proper travelling and other expenses incurred in the work of the Foundation. Expenses

(2) The members of the medical advisory board shall be paid such remuneration as the Foundation determines from time to time. Remuneration

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1964.* Short title

An Act to amend The Alcoholism and Drug Addiction Research Foundation Act, 1949

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

March 25th, 1964

MR. DYMOND

1964

BILL 56

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Maternity Boarding Houses Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. At present, *The Maternity Boarding Houses Act* prohibits registered boarding houses for children from lodging children over three years of age.

The amendment permits these boarding houses to receive wards of a Children's Aid Society regardless of age, thereby assisting such societies in placing families together.

Section 2. At present, notice of death in a registered maternity boarding house is given to the local medical officer of health.

The amendment provides that such notice shall also be given to a coroner.

BILL 56 **1964**

An Act to amend The Maternity Boarding Houses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Maternity Boarding Houses Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 231, s. 3, amended

(3) Subsection 2 does not apply to children who are wards of a children's aid society. Exception

2. Section 10 of *The Maternity Boarding Houses Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 231, s. 10, re-enacted

10. The person registered shall immediately after the death of any inmate of the house, whether a woman or a girl or an infant born therein or brought thereto as a boarder, cause notice of the death to be given to the coroner and the medical officer of health. Notice of death

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Maternity Boarding Houses Amendment Act, 1964.* Short title

BILL 56

An Act to amend
The Maternity Boarding Houses Act

1st Reading

March 3rd, 1964

2nd Reading

3rd Reading

MR. DYMOND

1964

BILL 56

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Maternity Boarding Houses Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 56 **1964**

An Act to amend The Maternity Boarding Houses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Maternity Boarding Houses Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 231, s. 3, amended

(3) Subsection 2 does not apply to children who are wards of a children's aid society. Exception

2. Section 10 of *The Maternity Boarding Houses Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 231, s. 10, re-enacted

10. The person registered shall immediately after the death of any inmate of the house, whether a woman or a girl or an infant born therein or brought thereto as a boarder, cause notice of the death to be given to the coroner and the medical officer of health. Notice of death

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Maternity Boarding Houses Amendment Act, 1964.* Short title

An Act to amend
The Maternity Boarding Houses Act

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

March 25th, 1964

MR. DYMOND

1964

BILL 57

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Nurses Act, 1961-62

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The section is redesigned to require approval of the Lieutenant Governor in Council on the recommendation of the Council of the College of Nurses to the establishment of schools of nursing, and, as well, approval of the Lieutenant Governor in Council on the recommendation of the Council to the revocation of such an approval.

BILL 57 1964

An Act to amend The Nurses Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Nurses Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 90, s. 5, re-enacted

5.—(1) No person shall establish, maintain or conduct a school of nursing or a training centre unless it has received the approval of the Lieutenant Governor in Council on the recommendation of the Council. Schools of nursing and training centres

(2) Any approval given to a school of nursing or a training centre under subsection 1 may be revoked by the Lieutenant Governor in Council on the recommendation of the Council. Idem

(3) The schools of nursing and the training centres that are being maintained and conducted on the day this Act comes into force shall be deemed to have been approved in accordance with subsection 1. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Nurses Amendment Act, 1964*. Short title

BILL 57

An Act to amend The Nurses Act, 1961-62

1st Reading

March 3rd, 1964

2nd Reading

3rd Reading

MR. DYMOND

1964

BILL 57

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Nurses Act, 1961-62

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 57 **1964**

An Act to amend The Nurses Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Nurses Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 90, s. 5, re-enacted

5.—(1) No person shall establish, maintain or conduct a school of nursing or a training centre unless it has received the approval of the Lieutenant Governor in Council on the recommendation of the Council. Schools of nursing and training centres

(2) Any approval given to a school of nursing or a training centre under subsection 1 may be revoked by the Lieutenant Governor in Council on the recommendation of the Council. Idem

(3) The schools of nursing and the training centres that are being maintained and conducted on the day this Act comes into force shall be deemed to have been approved in accordance with subsection 1. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Nurses Amendment Act, 1964*. Short title

BILL 37

An Act to amend The Nurses Act, 1961-62

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

March 25th, 1964

MR. DYMOND

1964

BILL 58

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend
The Ontario Mental Health Foundation Act, 1960-61

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

remainder shall be appointed from among a list of persons nominated by the Foundation.

Term of office

(2) A member of the Institute shall hold office for three years and is eligible for reappointment for a second term of three years, but a member other than the chairman is not eligible for reappointment after having served a second term of three years until a period of twelve months has elapsed from the date of his retirement.

Vacancies

(3) The Lieutenant Governor in Council may fill any vacancies that occur from time to time in the membership of the Institute, in accordance with the method of appointment prescribed by subsection 1.

Quorum

12*c*. One-half of the total number of members of the Institute constitutes a quorum for the transaction of business.

Chairman

12*d*. The Lieutenant Governor in Council may appoint a member of the Foundation, or a member of the Institute appointed upon the nomination of the Foundation, as chairman of the Institute.

Advisory medical board

12*e*.—(1) Subject to the approval of the Lieutenant Governor in Council, the Institute may appoint an advisory medical board.

Idem

(2) Members of the advisory medical board of the Foundation are eligible to be appointed members of the advisory medical board of the Institute.

Object

12*f*. The object of the Institute is to maintain, manage and operate a hospital with facilities for psychiatric research, diagnosis and treatment.

Agreements

12*g*.—(1) Subject to the approval of the Foundation, the Institute may enter into agreement with any university for providing teaching and research facilities for that university in the hospital maintained and operated under this Act.

Idem

(2) The Institute may make agreements with the Foundation, universities, medical associations, hospitals and persons for the purpose of carying out the objects of the Institute.

Director and staff

12*h*. The Institute may employ a director and such staff as may from time to time be required for the purposes of the hospital and may pay such director and staff such remuneration as it deems proper out of its funds.

12*i*. Subject to the approval of the Foundation, the Institute may make such by-laws, rules or regulations as are deemed expedient for the administration of its affairs. By-laws

12*j*.—(1) The funds of the Institute consist of moneys received by it from any source, including the Foundation, and the Institute may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it deems proper. Funds

(2) The Institute shall annually prepare and submit to the Foundation the estimates of the moneys required for its purposes during the ensuing fiscal year. Estimates

12*k*. The real and personal property, business and income of the Institute are not subject to taxation for municipal or provincial purposes. Exemption from taxation

12*l*. The members of the Institute and its advisory medical board may be paid such amounts for travelling and other expenses incurred in the work of the Institute as the Institute determines from time to time. Expenses

12*m*. The accounts of the Institute shall be audited annually by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints. Audit

12*n*.—(1) The Institute shall after the close of each fiscal year make a report upon its affairs during the preceding year to the Minister of Health and to the Foundation, and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Institute during the preceding year. Annual report

(2) The Minister of Health shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Idem

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Ontario Mental Health Foundation Amendment Act, 1964*. Short title

BILL 58

An Act to amend The Ontario Mental Health Foundation Act, 1960-61

1st Reading

March 3rd, 1964

2nd Reading

3rd Reading

MR. DYMOND

1964

BILL 58

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend
The Ontario Mental Health Foundation Act, 1960-61

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 58 **1964**

An Act to amend The Ontario Mental Health Foundation Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Mental Health Foundation Act, 1960-61* is amended by inserting immediately preceding section 1 the following heading: 1960-61, c. 67, amended

PART I

THE ONTARIO MENTAL HEALTH FOUNDATION

2. *The Ontario Mental Health Foundation Act, 1960-61* is amended by adding thereto the following section: 1960-61, c. 67, amended

9*a*. The real and personal property, business and income of the Foundation is not subject to taxation for municipal or provincial purposes. Exemption from taxation

3. *The Ontario Mental Health Foundation Act, 1960-61* is amended by adding thereto the following Part: 1960-61, c. 67, amended

PART II

THE DR. C. K. CLARKE INSTITUTE OF PSYCHIATRY

12*a*. There is hereby established a corporation to be known as The Dr. C. K. Clarke Institute of Psychiatry, herein referred to as "the Institute". Clarke Institute

12*b*.—(1) The Institute shall consist of not fewer than seven and not more than twelve persons to be appointed by the Lieutenant Governor in Council, of whom two shall be appointed upon the recommendation of the Minister of Health and at least two shall be members of the Foundation, and the Members

remainder shall be appointed from among a list of persons nominated by the Foundation.

Term of office

(2) A member of the Institute shall hold office for three years and is eligible for reappointment for a second term of three years, but a member other than the chairman is not eligible for reappointment after having served a second term of three years until a period of twelve months has elapsed from the date of his retirement.

Vacancies

(3) The Lieutenant Governor in Council may fill any vacancies that occur from time to time in the membership of the Institute, in accordance with the method of appointment prescribed by subsection 1.

Quorum

12*c*. One-half of the total number of members of the Institute constitutes a quorum for the transaction of business.

Chairman

12*d*. The Lieutenant Governor in Council may appoint a member of the Foundation, or a member of the Institute appointed upon the nomination of the Foundation, as chairman of the Institute.

Advisory medical board

12*e*.—(1) Subject to the approval of the Lieutenant Governor in Council, the Institute may appoint an advisory medical board.

Idem

(2) Members of the advisory medical board of the Foundation are eligible to be appointed members of the advisory medical board of the Institute.

Object

12*f*. The object of the Institute is to maintain, manage and operate a hospital with facilities for psychiatric research, diagnosis and treatment.

Agreements

12*g*.—(1) Subject to the approval of the Foundation, the Institute may enter into agreement with any university for providing teaching and research facilities for that university in the hospital maintained and operated under this Act.

Idem

(2) The Institute may make agreements with the Foundation, universities, medical associations, hospitals and persons for the purpose of carrying out the objects of the Institute.

Director and staff

12*h*. The Institute may employ a director and such staff as may from time to time be required for the purposes of the hospital and may pay such director and staff such remuneration as it deems proper out of its funds.

12*i*. Subject to the approval of the Foundation, the Institute may make such by-laws, rules or regulations as are deemed expedient for the administration of its affairs. By-laws

12*j*.—(1) The funds of the Institute consist of moneys received by it from any source, including the Foundation, and the Institute may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it deems proper. Funds

(2) The Institute shall annually prepare and submit to the Foundation the estimates of the moneys required for its purposes during the ensuing fiscal year. Estimates

12*k*. The real and personal property, business and income of the Institute are not subject to taxation for municipal or provincial purposes. Exemption from taxation

12*l*. The members of the Institute and its advisory medical board may be paid such amounts for travelling and other expenses incurred in the work of the Institute as the Institute determines from time to time. Expenses

12*m*. The accounts of the Institute shall be audited annually by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints. Audit

12*n*.—(1) The Institute shall after the close of each fiscal year make a report upon its affairs during the preceding year to the Minister of Health and to the Foundation, and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Institute during the preceding year. Annual report

(2) The Minister of Health shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Idem

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Ontario Mental Health Foundation Amendment Act, 1964*. Short title

BILL 58

An Act to amend The Ontario Mental Health Foundation Act, 1960-61

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

March 25th, 1964

MR. DYMOND

1964

BILL 59

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Radiological Technicians Act, 1962-63

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendments authorize the Board of Radiological Technicians to examine candidates for registration under the "grandfather" clause as to their knowledge of dangers and protection necessary with radiation.

BILL 59 **1964**

An Act to amend The Radiological Technicians Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Radiological Technicians Act, 1962-63* is amended by striking out clause *c* and inserting in lieu thereof the following: 1962-63, c. 122, s. 5, subs. 1, amended

(*c*) has been practising in Ontario as a radiological technician for a period of five years under the supervision of a duly qualified medical practioner and passes the examinations of the Board,

2. Clause *b* of subsection 1 of section 14 of *The Radiological Technicians Act, 1962-63* is amended by adding at the end thereof "and for persons referred to in clause *c* of subsection 1 of section 5", so that the clause shall read as follows: 1962-63, c. 122, s. 14, subs. 1, cl. *b*, amended

(*b*) providing for the holding of examinations for candidates for registration who are in attendance at or graduates of courses for radiological technicians and for persons referred to in clause *c* of subsection 1 of section 5.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Radiological Technicians Amendment Act, 1964.* Short title

BILL 59

An Act to amend
The Radiological Technicians Act, 1962-63

1st Reading

March 3rd, 1964

2nd Reading

3rd Reading

MR. DYMOND

1964

BILL 59

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Radiological Technicians Act, 1962-63

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 59 **1964**

An Act to amend The Radiological Technicians Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Radiological Technicians Act, 1962-63* is amended by striking out clause *c* and inserting in lieu thereof the following: 1962-63, c. 122, s. 5, subs. 1, amended

(*c*) has been practising in Ontario as a radiological technician for a period of five years under the supervision of a duly qualified medical practioner and passes the examinations of the Board,

and complies with the regulations.

2. Clause *b* of subsection 1 of section 14 of *The Radiological Technicians Act, 1962-63* is amended by adding at the end thereof "and for persons referred to in clause *c* of subsection 1 of section 5", so that the clause shall read as follows: 1962-63, c. 122, s. 14, subs. 1, cl. *b*, amended

(*b*) providing for the holding of examinations for candidates for registration who are in attendance at or graduates of courses for radiological technicians and for persons referred to in clause *c* of subsection 1 of section 5.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Radiological Technicians Amendment Act, 1964.* Short title

BILL 59

An Act to amend
The Radiological Technicians Act, 1962-63

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

March 25th, 1964

MR. DYMOND

1964

BILL 60

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Assessment Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The amendments provide for courts of revision where a district assessor is appointed in the territorial districts and for the remuneration of the members of the courts of revision.

Section 2. The new provision requires the clerk of each municipality to send to the county clerk a statement of the valuations of real property in respect of which grants in lieu of taxes have been made.

BILL 60 **1964**

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 65*a* of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 65*a* (1960-61, c. 4, s. 8), amended

(1*a*) Where a district assessor for a territorial district has been appointed under section 104, the Minister shall constitute one or more courts of revision for each municipality and locality for which the district assessor is deemed to be the assessor. Courts of revision under district assessor

(2) Subsection 6 of the said section 65*a* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 65*a* (1960-61, c. 4, s. 8), subs. 6, re-enacted

(6) Each member of a court of revision shall be paid for his services, Remuneration of members

(*a*) where the court of revision is for a municipality in a county, such sum as the county council may by by-law provide;

(*b*) where the court of revision is for a municipality or locality in a territorial district, such sum as the Minister may determine.

2. Section 92 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 92, amended

(1*a*) The clerk of the municipality shall transmit to the county clerk, within sixty days of the receipt of a grant paid in lieu of taxes, a statement of the valuations of real property in the municipality upon which such grant has been made. Statement of valuations re grants in lieu of taxes

R.S.O. 1960, c. 23, s. 93*b* (1961-62, c. 6, s. 9), subs. 1, amended

3.—(1) Subsection 1 of section 93*b* of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1961-62*, is amended by striking out "thereafter" in the sixth line and inserting in lieu thereof "after the effective date of such by-law", so that the subsection shall read as follows:

County assessor appointed local assessor

(1) Upon the request of one or more townships, towns or villages within a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor after the effective date of such by-law has all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of such local municipality or municipalities, and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities.

R.S.O. 1960, c. 23, s. 93*b* (1961-62, c. 6, s. 9), subs. 2, amended

(2) Subsection 2 of the said section 93*b* is amended by striking out "31st day of December in that year" in the fourth and fifth lines and inserting in lieu thereof "effective date of the by-law passed under subsection 1", so that the subsection shall read as follows:

Local municipalities not to employ assessors

(2) Where a by-law is passed in any year appointing a county assessor as assessor for one or more local municipalities under this section, such a local municipality shall not, after the effective date of the by-law passed under subsection 1, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessor, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessor.

R.S.O. 1960, c. 23, amended

4. *The Assessment Act* is amended by adding thereto the following section:

Grants re costs of district assessor

93*d*. The Minister may make regulations providing for the payment of grants to defray part of the costs of a district assessor appointed under section 104, and such grants shall be paid out of such moneys as are appropriated therefor by the Legislature.

R.S.O. 1960, c. 23, s. 94, subs. 1 (1960-61, c. 4, s. 15), cl. *a*, amended

5.—(1) Clause *a* of subsection 1 of section 94 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1960-61*, is amended by adding at the commencement thereof "subject to subsection 2", so that the clause shall read as follows:

SECTION 3. The amendments are for the purpose of clarification.

SECTION 4. Self-explanatory.

SECTION 5. The amendments authorize the Minister, where a county has appointed an assessment commissioner, to provide for equalization proceedings for a limited period to give the assessment commissioner sufficient time to assess real property in all municipalities on the same basis.

SECTION 6. Section 104 is revised to provide for the appointment of district assessors in the territorial districts to make assessments in the municipalities and localities in the districts instead of the assessments being made by the local assessors.

(*a*) subject to subsection 2, the council of a county that has appointed a county assessment commissioner under section 93*a* shall adopt the valuations of real property and business assessment of each township, town and village in the county made by the county assessment commissioner as finally revised as the aggregate valuations of each such local municipality for the purpose of county rates, and such valuation as adopted shall be deemed to be the equalized assessments for the purposes of this and every other Act; and

. . . . .

(2) The said section 94, as amended by section 15 of *The Assessment Amendment Act, 1960-61* and section 10 of *The Assessment Amendment Act, 1961-62*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 94, amended

(2) On the application of the council of a county that has appointed a county assessment commissioner under section 93*a*, the Minister may order that the provisions of clause *a* of subsection 1 do not apply to such county for such period as may be determined by him and that the provisions of clause *b* of subsection 1 apply during such period. Application of cls. *a* and *b* of subs. 1

6. Section 104 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 104, re-enacted

104.—(1) In this section, "locality" means, Interpretation

(*a*) an improvement district erected under *The Municipal Act*; and R.S.O. 1960, c. 249

(*b*) a public school section, a separate school zone, or a high school district, in territory without municipal organization,

and includes the board of any of them.

(2) The Minister may appoint a district assessor for any territorial district when in any year such an appointment is requested by not less than two-thirds of the municipalities, other than cities and improvement districts, in the territorial district. District assessor

(3) The request for the appointment of a district assessor by any municipality shall be by by-law of the municipality, a certified copy of which shall be filed with the Minister. Request for appointment

Idem

(4) If in any year the number of requests made for the appointment of a district assessor is insufficient, the by-law of any municipality passed in that year requesting that the appointment be made expires at the end of that year and ceases to have further effect.

Term of office

(5) Every district assessor appointed under this section shall hold office during pleasure, and, when from any cause his office becomes vacant, the Minister may appoint his successor.

Salary

(6) The salary of each district assessor shall be such as may from time to time be fixed by the Minister.

Provision of equipment, etc.

(7) With the approval of the Minister, a district assessor for the performance of the duties of his office may from time to time,

(*a*) provide suitably furnished office premises for himself and his staff, if any, at a convenient place in the territorial district for which he is appointed;

(*b*) provide such mechanical and other office equipment, stationery and other office supplies as are necessary and sufficient for the purposes of his office;

(*c*) appoint, engage the services of and fix the salaries or wages of such assistant assessors, clerks and other employees, temporary or permanent, as are necessary and sufficient for the purposes of his office;

(*d*) incur and pay such travelling and other costs, charges and expenses as are necessary for or ordinarily incidental to the purposes of his office.

Powers and duties

(8) The district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of the municipalities and localities in the territorial district, except, subject to subsections 9 and 10, cities, and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such municipalities and localities.

(9) A city may join in the request for a district assessor, and, if it does so, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor for such city. District assessor for cities

(10) After a district assessor has been appointed, a city may by by-law request the Minister to appoint the district assessor as assessor for such city, and, when the Minister makes such appointment, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor or assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor for such city on and after such date as may be fixed by the Minister. Idem

(11) Where under the provisions of this section a district assessor has become the assessor for any municipality or locality in a territorial district, such municipality or locality shall not, after the effective date of the appointment of such district assessor, appoint or continue to employ an assessment commissioner or assessors, and, after that date or such date as may be fixed by the Minister, at the request of the district assessor all the books, records and documents relating to the work of the assessment departments or assessors of such muncipalities and localities shall be turned over to the district assessor. Municipalities not to employ assessors

(12) When a district assessor is appointed in any year under this section, section 130 does not apply after the 31st day of December of that year in any municipality in the territorial district for which he is the assessor. Application of s. 130

(13) The total annual cost incurred for the salaries and wages of a district assessor and his staff, if any, and for all other expenses and disbursements in connection with his office as authorized by this section shall be chargeable to and be provided and paid by the municipalities and localities in the territorial district for which he is the assessor, and the amount of their respective shares shall be in the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them, according to their last revised assessment rolls. Payment of costs

Budget

(14) The district assessor shall in December of each year prepare the budget of the estimated cost of his office for the ensuing year and of the proportion thereof chargeable to each municipality and locality and shall deliver a copy of the budget to each municipality and locality not later than the 15th day of that month.

Appeal

(15) Any municipality or locality that is not satisfied with the budget or its proportion thereof may, within ten days of receipt thereof, appeal to the Minister, whose decision on such appeal is final and binding, and any correction in the budget or in the proportions chargeable to the municipalities and localities shall be made as the Minister may direct in writing.

Payments to assessor

(16) Every municipality and locality for which the district assessor is deemed to be the assessor shall in each year remit to the district assessor, by equal quarterly payments in advance, its proportion of the cost for that year as shown in the budget or, if the budget is appealed, as shown in the budget as corrected in accordance with the decision of the Minister, and such quarterly payments shall be made on or before the 15th days of January, April, July and October in each year, and, if any such quarterly payment is not made by such date, it shall bear interest at the rate of 6 per cent per annum until paid.

Audit

(17) The district assessor shall keep proper books of account with respect to his office, and the books shall be audited annually by the auditor of the municipality having the largest rateable assessment in the territorial district and for which the district assessor is deemed to be the assessor, and the cost of the audit shall be deemed to be an expense of the office of the district assessor and shall be included in his annual budget.

Copy of auditor's report to municipalities and localities

(18) A copy of the auditor's report for each year shall be mailed by the auditor to each municipality and locality in the territorial district for which the district assessor is deemed to be the assessor, and, if there is a deficit for that year, the amount thereof shall be included in the next budget, and, if there is a surplus for that year, the amount thereof shall be shown in the next budget and shall serve to reduce the amount required to be provided by the municipalities and localities.

Equalization of assessment

(19) Where a district assessor has been appointed and an equalization of assessment is required for the purposes of this or any other Act, the assessments made

SECTION 7—Subsection 1. Under the present section, after a tax sale has been held by the county treasurer, he is required to send to any owner or encumbrancer a notice that the land has been sold for taxes, the date of the sale and that the owner or encumbrancer can redeem within one year from the date of the sale by paying the amount required and costs. At present, the treasurer is to send such notice to the address of such encumbrancer or owner, if known to the treasurer, and, if not known, to any address appearing in the records of the registry office or the sheriff's office.

The amendments will require the county treasurer to ascertain the address of each owner and encumbrancer as it may appear in the records of the local municipality in which the lands are situate. These records are more likely to be correct since there is an annual assessment.

by the district assessor in the municipalities and localities for which the district assessor is deemed to be the assessor shall be deemed to be the equalized assessments for the purposes of this and every other Act, and equalization shall be required only as between a municipality or municipalities for which the district assessor is not deemed to be the assessor and all those municipalities for which he is deemed to be the assessor.

Appeal of equalization

(20) If any municipality or locality in a district is not satisfied with the last revised assessment as equalized for any purpose by the district assessor or by the Department, the municipality or locality may appeal by notice in writing to the Ontario Municipal Board from the decision of the district assessor or the Department at any time within thirty days after the mailing of the equalized report to the municipality or locality by the district assessor or the Department.

Report of equalization

(21) Every report of an equalization made under this section shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization.

R.S.O. 1960, c. 23, s. 182, subs. 2, re-enacted

7.—(1) Subsection 2 of section 182 of *The Assessment Act* is repealed and the following substituted therefor:

Notice to encumbrancer and owner

(2) The treasurer shall, within the said period of ninety days from the day of the sale, if the land is not previously redeemed, send by registered mail to each encumbrancer, if any, and to the registered owner, to the address of such encumbrancer or owner as it appears at that time in the records of the municipality in which the land is situated or, if such address does not appear in any of the records of such municipality or is not known to the treasurer, to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office, a notice stating that the land has been sold for taxes, the date of the sale, and that the encumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying to the treasurer the amount required to redeem the estate and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and 25 cents for the notice, the amount aforesaid to be specified in the notice.

County treasurer to ascertain address of owner, etc.

(2a) Before sending the notice mentioned in subsection 2, the treasurer shall ascertain from the treasurer of the municipality in which the land is situated the address of each owner and encumbrancer as it appears in the records of such municipality, and the treasurer of the local municipality shall supply such address or addresses to the county treasurer upon the request of the county treasurer.

R.S.O. 1960, c. 23, s. 182, subs. 3, re-enacted

(2) Subsection 3 of the said section 182 is repealed and the following substituted therefor:

Registration of notice of sale

(3) The Treasurer shall, within ninety days from the date of sale, register in the registry office a written notice signed by him stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the land.

R.S.O. 1960, c. 23, s. 182, subs. 7, amended

(3) Subsection 7 of the said section 182 is amended by striking out "and for registration of such receipt the registrar shall be paid a fee of 50 cents" in the ninth and tenth lines, so that the subsection shall read as follows:

Receipt of redemption

(7) If under subsection 3 a notice of sale of land for taxes has been registered and the land is redeemed, the treasurer shall, upon payment of the redemption money, deliver to the person paying the money a receipt signed by himself stating therein a description of the land redeemed, the person who redeemed the land and the date and amount paid for redemption together with particulars of the registration of the notice, and a certified copy thereof shall be registered in the registry office by the treasurer.

R.S.O. 1960, c. 23, s. 187, amended

8. Section 187 of *The Assessment Act* is amended by striking out "and the registrar, for the registry and certificate thereof, is entitled to 70 cents and no more", in the twelfth and thirteenth lines.

Commencement

9.—(1) This Act, except subsections 2 and 3 of section 7 and section 8, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 2 and 3 of section 7 and section 8 come into force on the 1st day of July, 1964.

Short title

10. This Act may be cited as *The Assessment Amendment Act, 1964.*

Subsections 2 and 3. The references to fees for registrars are deleted. All fees to which the registrars are entitled will be provided for under *The Registry Act*. The amendments also require that the notice to be registered shall be signed by the treasurer.

SECTION 8. The reference to fees for registrars is deleted. All fees to which registrars are entitled will be provided for under *The Registry Act*,

An Act to amend The Assessment Act

1st Reading

March 3rd, 1964

2nd Reading

3rd Reading

MR. SPOONER

1964

BILL 60

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Assessment Act

MR. SPOONER

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

TORONTO
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Explanatory Notes

Section 1. The amendments provide for courts of revision where a district assessor is appointed in the territorial districts and for the remuneration of the members of the courts of revision.

Section 2. The new provision requires the clerk of each municipality to send to the county clerk a statement of the valuations of real property in respect of which grants in lieu of taxes have been made.

BILL 60 **1964**

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 65*a* of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 65*a* (1960-61, c. 4, s. 8), amended

(1*a*) Where a district assessor for a territorial district has been appointed under section 104, the Minister shall constitute one or more courts of revision for each municipality and locality for which the district assessor is deemed to be the assessor. Courts of revision under district assessor

(2) Subsection 6 of the said section 65*a* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 65*a* (1960-61, c. 4, s. 8), subs. 6, re-enacted

(6) Each member of a court of revision shall be paid for his services, Remuneration of members

(*a*) where the court of revision is for a municipality in a county, such sum as the county council may by by-law provide;

(*b*) where the court of revision is for a municipality or locality in a territorial district, such sum as the Minister may determine.

2. Section 92 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 92, amended

(1*a*) The clerk of the municipality shall transmit to the county clerk, within sixty days of the receipt of a grant paid in lieu of taxes, a statement of the valuations of real property in the municipality upon which such grant has been made. Statement of valuations re grants in lieu of taxes

R.S.O. 1960, c. 23, s. 93*b* (1961-62, c. 6, s. 9), subs. 1, amended

3.—(1) Subsection 1 of section 93*b* of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1961-62*, is amended by striking out "thereafter" in the sixth line and inserting in lieu thereof "after the effective date of such by-law", so that the subsection shall read as follows:

County assessor appointed local assessor

(1) Upon the request of one or more townships, towns or villages within a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor after the effective date of such by-law has all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of such local municipality or municipalities, and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities.

R.S.O. 1960, c. 23, s. 93*b* (1961-62, c. 6, s. 9), subs. 2, amended

(2) Subsection 2 of the said section 93*b* is amended by striking out "31st day of December in that year" in the fourth and fifth lines and inserting in lieu thereof "effective date of the by-law passed under subsection 1", so that the subsection shall read as follows:

Local municipalities not to employ assessors

(2) Where a by-law is passed in any year appointing a county assessor as assessor for one or more local municipalities under this section, such a local municipality shall not, after the effective date of the by-law passed under subsection 1, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessor, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessor.

R.S.O. 1960, c. 23, amended

4. *The Assessment Act* is amended by adding thereto the following section:

Grants re costs of district assessor

93*d*. The Minister may make regulations providing for the payment of grants to defray part of the costs of a district assessor appointed under section 104, and such grants shall be paid out of such moneys as are appropriated therefor by the Legislature.

R.S.O. 1960, c. 23, s. 94, subs. 1 (1960-61, c. 4, s. 15), cl. *a*, amended

5.—(1) Clause *a* of subsection 1 of section 94 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1960-61*, is amended by adding at the commencement thereof "subject to subsection 2", so that the clause shall read as follows:

SECTION 3. The amendments are for the purpose of clarification.

SECTION 4. Self-explanatory.

SECTION 5. The amendments authorize the Minister, where a county has appointed an assessment commissioner, to provide for equalization proceedings for a limited period to give the assessment commissioner sufficient time to assess real property in all municipalities on the same basis.

SECTION 6. Section 104 is revised to provide for the appointment of district assessors in the territorial districts to make assessments in the municipalities and localities in the districts instead of the assessments being made by the local assessors.

(*a*) subject to subsection 2, the council of a county that has appointed a county assessment commissioner under section 93*a* shall adopt the valuations of real property and business assessment of each township, town and village in the county made by the county assessment commissioner as finally revised as the aggregate valuations of each such local municipality for the purpose of county rates, and such valuation as adopted shall be deemed to be the equalized assessments for the purposes of this and every other Act; and

. . . . .

(2) The said section 94, as amended by section 15 of *The Assessment Amendment Act, 1960-61* and section 10 of *The Assessment Amendment Act, 1961-62*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 94, amended

(2) On the application of the council of a county that has appointed a county assessment commissioner under section 93*a*, the Minister may order that the provisions of clause *a* of subsection 1 do not apply to such county for such period as may be determined by him and that the provisions of clause *b* of subsection 1 apply during such period. Application of cls. *a* and *b* of subs. 1

6. Section 104 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 104, re-enacted

104.—(1) In this section, "locality" means, Interpretation

(*a*) an improvement district erected under *The Municipal Act*; and R.S.O. 1960, c. 249

(*b*) a public school section, a separate school zone, or a high school district, in territory without municipal organization,

and includes the board of any of them.

(2) The Minister may appoint a district assessor for any territorial district when in any year such an appointment is requested by not less than two-thirds of the municipalities, other than cities and improvement districts, in the territorial district. District assessor

(3) The request for the appointment of a district assessor by any municipality shall be by by-law of the municipality, a certified copy of which shall be filed with the Minister. Request for appointment

Idem

(4) If in any year the number of requests made for the appointment of a district assessor is insufficient, the by-law of any municipality passed in that year requesting that the appointment be made expires at the end of that year and ceases to have further effect.

Term of office

(5) Every district assessor appointed under this section shall hold office during pleasure, and, when from any cause his office becomes vacant, the Minister may appoint his successor.

Salary

(6) The salary of each district assessor shall be such as may from time to time be fixed by the Minister.

Provision of equipment, etc.

(7) With the approval of the Minister, a district assessor for the performance of the duties of his office may from time to time,

(*a*) provide suitably furnished office premises for himself and his staff, if any, at a convenient place in the territorial district for which he is appointed;

(*b*) provide such mechanical and other office equipment, stationery and other office supplies as are necessary and sufficient for the purposes of his office;

(*c*) appoint, engage the services of and fix the salaries or wages of such assistant assessors, clerks and other employees, temporary or permanent, as are necessary and sufficient for the purposes of his office;

(*d*) incur and pay such travelling and other costs, charges and expenses as are necessary for or ordinarily incidental to the purposes of his office.

Powers and duties

(8) The district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of the municipalities and localities in the territorial district, except, subject to subsections 9 and 10, cities, and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such municipalities and localities.

District assessor for cities

(9) A city may join in the request for a district assessor, and, if it does so, the district assessor shall have all the powers, duties and privileges under this and every

other Act of an assessor or an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor for such city.

(10) After a district assessor has been appointed, a city may by by-law request the Minister to appoint the district assessor as assessor for such city, and, when the Minister makes such appointment, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor or assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor for such city on and after such date as may be fixed by the Minister. Idem

(11) Where under the provisions of this section a district assessor has become the assessor for any municipality or locality in a territorial district, such municipality or locality shall not, after the effective date of the appointment of such district assessor, appoint or continue to employ an assessment commissioner or assessors, and, after that date or such date as may be fixed by the Minister, at the request of the district assessor all the books, records and documents relating to the work of the assessment departments or assessors of such muncipalities and localities shall be turned over to the district assessor. Municipalities not to employ assessors

(12) When a district assessor is appointed in any year under this section, section 130 does not apply after the 31st day of December of that year in any municipality in the territorial district for which he is the assessor. Application of s. 130

(13) The total annual cost incurred for the salaries and wages of a district assessor and his staff, if any, and for all other expenses and disbursements in connection with his office as authorized by this section shall be chargeable to and be provided and paid by the municipalities and localities in the territorial district for which he is the assessor, and the amount of their respective shares shall be in the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them, according to their last revised assessment rolls, provided that, during the first three years after the appointment of a district assessor, the respective shares of the municipalities and localities shall be in Payment of costs

the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them according to their last revised assessment rolls as equalized by the application of the latest equalization factors prepared by the Department.

Budget

(14) The district assessor shall in December of each year prepare the budget of the estimated cost of his office for the ensuing year and of the proportion thereof chargeable to each municipality and locality and shall deliver a copy of the budget to each municipality and locality not later than the 15th day of that month.

Appeal

(15) Any municipality or locality that is not satisfied with the budget or its proportion thereof may, within ten days of receipt thereof, appeal to the Minister, whose decision on such appeal is final and binding, and any correction in the budget or in the proportions chargeable to the municipalities and localities shall be made as the Minister may direct in writing.

Payments to assessor

(16) Every municipality and locality for which the district assessor is deemed to be the assessor shall in each year remit to the district assessor, by equal quarterly payments in advance, its proportion of the cost for that year as shown in the budget or, if the budget is appealed, as shown in the budget as corrected in accordance with the decision of the Minister, and such quarterly payments shall be made on or before the 15th days of January, April, July and October in each year, and, if any such quarterly payment is not made by such date, it shall bear interest at the rate of 6 per cent per annum until paid.

Audit

(17) The district assessor shall keep proper books of account with respect to his office, and the books shall be audited annually by the auditor of the municipality having the largest rateable assessment in the territorial district and for which the district assessor is deemed to be the assessor, and the cost of the audit shall be deemed to be an expense of the office of the district assessor and shall be included in his annual budget.

Copy of auditor's report to municipalities and localities

(18) A copy of the auditor's report for each year shall be mailed by the auditor to each municipality and locality in the territorial district for which the district assessor is deemed to be the assessor, and, if there is a deficit for that year, the amount thereof shall be included in the next budget, and, if there is a surplus

SECTION 7—Subsection 1. Under the present section, after a tax sale has been held by the county treasurer, he is required to send to any owner or encumbrancer a notice that the land has been sold for taxes, the date of the sale and that the owner or encumbrancer can redeem within one year from the date of the sale by paying the amount required and costs. At present, the treasurer is to send such notice to the address of such encumbrancer or owner, if known to the treasurer, and, if not known, to any address appearing in the records of the registry office or the sheriff's office.

The amendments will require the county treasurer to ascertain the address of each owner and encumbrancer as it may appear in the records of the local municipality in which the lands are situate. These records are more likely to be correct since there is an annual assessment.

for that year, the amount thereof shall be shown in the next budget and shall serve to reduce the amount required to be provided by the municipalities and localities.

(19) Where a district assessor has been appointed and an equalization of assessment is required for the purposes of this or any other Act, the assessments made by the district assessor in the municipalities and localities for which the district assessor is deemed to be the assessor shall be deemed to be the equalized assessments for the purposes of this and every other Act, and equalization shall be required only as between a municipality or municipalities for which the district assessor is not deemed to be the assessor and all those municipalities for which he is deemed to be the assessor. Equalization of assessment

(20) If any municipality or locality in a district is not satisfied with the last revised assessment as equalized for any purpose by the district assessor or by the Department, the municipality or locality may appeal by notice in writing to the Ontario Municipal Board from the decision of the district assessor or the Department at any time within thirty days after the mailing of the equalized report to the municipality or locality by the district assessor or the Department. Appeal of equalization

(21) Every report of an equalization made under this section shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization. Report of equalization

7.—(1) Subsection 2 of section 182 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 182, subs. 2, re-enacted

(2) The treasurer shall, within the said period of ninety days from the day of the sale, if the land is not previously redeemed, send by registered mail to each encumbrancer, if any, and to the registered owner, to the address of such encumbrancer or owner as it appears at that time in the records of the municipality in which the land is situated or, if such address does not appear in any of the records of such municipality or is not known to the treasurer, to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office, a notice stating that the land has been sold for taxes, the date of the sale, and that the encumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to Notice to encumbrancer and owner

redeem the estate sold by paying to the treasurer the amount required to redeem the estate and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and 25 cents for the notice, the amount aforesaid to be specified in the notice.

County treasurer to ascertain address of owner, etc.

(2*a*) Before sending the notice mentioned in subsection 2, the treasurer shall ascertain from the treasurer of the municipality in which the land is situated the address of each owner and encumbrancer as it appears in the records of such municipality, and the treasurer of the local municipality shall supply such address or addresses to the county treasurer upon the request of the county treasurer.

R.S.O. 1960, c. 23, s. 182, subs. 3, re-enacted

(2) Subsection 3 of the said section 182 is repealed and the following substituted therefor:

Registration of notice of sale

(3) The Treasurer shall, within ninety days from the date of sale, register in the registry office a written notice signed by him stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the land.

R.S.O. 1960, c. 23, s. 182, subs. 7, amended

(3) Subsection 7 of the said section 182 is amended by striking out "and for registration of such receipt the registrar shall be paid a fee of 50 cents" in the ninth and tenth lines, so that the subsection shall read as follows:

Receipt of redemption

(7) If under subsection 3 a notice of sale of land for taxes has been registered and the land is redeemed, the treasurer shall, upon payment of the redemption money, deliver to the person paying the money a receipt signed by himself stating therein a description of the land redeemed, the person who redeemed the land and the date and amount paid for redemption together with particulars of the registration of the notice, and a certified copy thereof shall be registered in the registry office by the treasurer.

R.S.O. 1960, c. 23, s. 187, amended

8. Section 187 of *The Assessment Act* is amended by striking out "and the registrar, for the registry and certificate thereof, is entitled to 70 cents and no more", in the twelfth and thirteenth lines.

Subsections 2 and 3. The references to fees for registrars are deleted. All fees to which the registrars are entitled will be provided for under *The Registry Act*. The amendments also require that the notice to be registered shall be signed by the treasurer.

SECTION 8. The reference to fees for registrars is deleted. All fees to which registrars are entitled will be provided for under *The Registry Act*,

9.—(1) This Act, except subsections 2 and 3 of section 7 and section 8, comes into force on the day it receives Royal Assent. Commencement

(2) Subsections 2 and 3 of section 7 and section 8 come into force on the 1st day of July, 1964. Idem

10. This Act may be cited as *The Assessment Amendment Act, 1964.* Short title

BILL 60

An Act to amend The Assessment Act

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

MR. SPOONER

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

1964

BILL 60

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Assessment Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 60 **1964**

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 65*a* of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 65*a* (1960-61, c. 4, s. 8), amended

(1*a*) Where a district assessor for a territorial district has been appointed under section 104, the Minister shall constitute one or more courts of revision for each municipality and locality for which the district assessor is deemed to be the assessor. Courts of revision under district assessor

(2) Subsection 6 of the said section 65*a* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 65*a* (1960-61, c. 4, s. 8), subs. 6, re-enacted

(6) Each member of a court of revision shall be paid for his services, Remuneration of members

(*a*) where the court of revision is for a municipality in a county, such sum as the county council may by by-law provide;

(*b*) where the court of revision is for a municipality or locality in a territorial district, such sum as the Minister may determine.

2. Section 92 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 92, amended

(1*a*) The clerk of the municipality shall transmit to the county clerk, within sixty days of the receipt of a grant paid in lieu of taxes, a statement of the valuations of real property in the municipality upon which such grant has been made. Statement of valuations re grants in lieu of taxes

R.S.O. 1960, c. 23, s. 93*b* (1961-62, c. 6, s. 9), subs. 1, amended

3.—(1) Subsection 1 of section 93*b* of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1961-62*, is amended by striking out "thereafter" in the sixth line and inserting in lieu thereof "after the effective date of such by-law", so that the subsection shall read as follows:

County assessor appointed local assessor

(1) Upon the request of one or more townships, towns or villages within a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor after the effective date of such by-law has all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of such local municipality or municipalities, and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities.

R.S.O. 1960, c. 23, s. 93*b* (1961-62, c. 6, s. 9), subs. 2, amended

(2) Subsection 2 of the said section 93*b* is amended by striking out "31st day of December in that year" in the fourth and fifth lines and inserting in lieu thereof "effective date of the by-law passed under subsection 1", so that the subsection shall read as follows:

Local municipalities not to employ assessors

(2) Where a by-law is passed in any year appointing a county assessor as assessor for one or more local municipalities under this section, such a local municipality shall not, after the effective date of the by-law passed under subsection 1, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessor, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessor.

R.S.O. 1960, c. 23, amended

4. *The Assessment Act* is amended by adding thereto the following section:

Grants re costs of district assessor

93*d*. The Minister may make regulations providing for the payment of grants to defray part of the costs of a district assessor appointed under section 104, and such grants shall be paid out of such moneys as are appropriated therefor by the Legislature.

R.S.O. 1960, c. 23, s. 94, subs. 1 (1960-61, c. 4, s. 15), cl. *a*, amended

5.—(1) Clause *a* of subsection 1 of section 94 of *The Assessment Act*, as re-enacted by section 15 of *The Assessment Amendment Act, 1960-61*, is amended by adding at the commencement thereof "subject to subsection 2", so that the clause shall read as follows:

(*a*) subject to subsection 2, the council of a county that has appointed a county assessment commissioner under section 93*a* shall adopt the valuations of real property and business assessment of each township, town and village in the county made by the county assessment commissioner as finally revised as the aggregate valuations of each such local municipality for the purpose of county rates, and such valuation as adopted shall be deemed to be the equalized assessments for the purposes of this and every other Act; and

. . . . .

(2) The said section 94, as amended by section 15 of *The Assessment Amendment Act, 1960-61* and section 10 of *The Assessment Amendment Act, 1961-62*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 94, amended

(2) On the application of the council of a county that has appointed a county assessment commissioner under section 93*a*, the Minister may order that the provisions of clause *a* of subsection 1 do not apply to such county for such period as may be determined by him and that the provisions of clause *b* of subsection 1 apply during such period. Application of cls. *a* and *b* of subs. 1

6. Section 104 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 104, re-enacted

104.—(1) In this section, "locality" means, Interpretation

(*a*) an improvement district erected under *The Municipal Act*; and R.S.O. 1960, c. 249

(*b*) a public school section, a separate school zone, or a high school district, in territory without municipal organization,

and includes the board of any of them.

(2) The Minister may appoint a district assessor for any territorial district when in any year such an appointment is requested by not less than two-thirds of the municipalities, other than cities and improvement districts, in the territorial district. District assessor

(3) The request for the appointment of a district assessor by any municipality shall be by by-law of the municipality, a certified copy of which shall be filed with the Minister. Request for appointment

Idem

(4) If in any year the number of requests made for the appointment of a district assessor is insufficient, the by-law of any municipality passed in that year requesting that the appointment be made expires at the end of that year and ceases to have further effect.

Term of office

(5) Every district assessor appointed under this section shall hold office during pleasure, and, when from any cause his office becomes vacant, the Minister may appoint his successor.

Salary

(6) The salary of each district assessor shall be such as may from time to time be fixed by the Minister.

Provision of equipment, etc.

(7) With the approval of the Minister, a district assessor for the performance of the duties of his office may from time to time,

(*a*) provide suitably furnished office premises for himself and his staff, if any, at a convenient place in the territorial district for which he is appointed;

(*b*) provide such mechanical and other office equipment, stationery and other office supplies as are necessary and sufficient for the purposes of his office;

(*c*) appoint, engage the services of and fix the salaries or wages of such assistant assessors, clerks and other employees, temporary or permanent, as are necessary and sufficient for the purposes of his office;

(*d*) incur and pay such travelling and other costs, charges and expenses as are necessary for or ordinarily incidental to the purposes of his office.

Powers and duties

(8) The district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor or an assessment commissioner in respect of the municipalities and localities in the territorial district, except, subject to subsections 9 and 10, cities, and he shall be deemed for the purposes of this and every other Act to be the assessor for each of such municipalities and localities.

District assessor for cities

(9) A city may join in the request for a district assessor, and, if it does so, the district assessor shall have all the powers, duties and privileges under this and every

other Act of an assessor or an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor for such city.

Idem

(10) After a district assessor has been appointed, a city may by by-law request the Minister to appoint the district assessor as assessor for such city, and, when the Minister makes such appointment, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor or assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor for such city on and after such date as may be fixed by the Minister.

Municipalities not to employ assessors

(11) Where under the provisions of this section a district assessor has become the assessor for any municipality or locality in a territorial district, such municipality or locality shall not, after the effective date of the appointment of such district assessor, appoint or continue to employ an assessment commissioner or assessors, and, after that date or such date as may be fixed by the Minister, at the request of the district assessor all the books, records and documents relating to the work of the assessment departments or assessors of such muncipalities and localities shall be turned over to the district assessor.

Application of s. 130

(12) When a district assessor is appointed in any year under this section, section 130 does not apply after the 31st day of December of that year in any municipality in the territorial district for which he is the assessor.

Payment of costs

(13) The total annual cost incurred for the salaries and wages of a district assessor and his staff, if any, and for all other expenses and disbursements in connection with his office as authorized by this section shall be chargeable to and be provided and paid by the municipalities and localities in the territorial district for which he is the assessor, and the amount of their respective shares shall be in the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them, according to their last revised assessment rolls, provided that, during the first three years after the appointment of a district assessor, the respective shares of the municipalities and localities shall be in

the proportion that the rateable assessment of each of them bears to the total of the rateable assessments of all of them according to their last revised assessment rolls as equalized by the application of the latest equalization factors prepared by the Department.

Budget

(14) The district assessor shall in December of each year prepare the budget of the estimated cost of his office for the ensuing year and of the proportion thereof chargeable to each municipality and locality and shall deliver a copy of the budget to each municipality and locality not later than the 15th day of that month.

Appeal

(15) Any municipality or locality that is not satisfied with the budget or its proportion thereof may, within ten days of receipt thereof, appeal to the Minister, whose decision on such appeal is final and binding, and any correction in the budget or in the proportions chargeable to the municipalities and localities shall be made as the Minister may direct in writing.

Payments to assessor

(16) Every municipality and locality for which the district assessor is deemed to be the assessor shall in each year remit to the district assessor, by equal quarterly payments in advance, its proportion of the cost for that year as shown in the budget or, if the budget is appealed, as shown in the budget as corrected in accordance with the decision of the Minister, and such quarterly payments shall be made on or before the 15th days of January, April, July and October in each year, and, if any such quarterly payment is not made by such date, it shall bear interest at the rate of 6 per cent per annum until paid.

Audit

(17) The district assessor shall keep proper books of account with respect to his office, and the books shall be audited annually by the auditor of the municipality having the largest rateable assessment in the territorial district and for which the district assessor is deemed to be the assessor, and the cost of the audit shall be deemed to be an expense of the office of the district assessor and shall be included in his annual budget.

Copy of auditor's report to municipalities and localities

(18) A copy of the auditor's report for each year shall be mailed by the auditor to each municipality and locality in the territorial district for which the district assessor is deemed to be the assessor, and, if there is a deficit for that year, the amount thereof shall be included in the next budget, and, if there is a surplus

for that year, the amount thereof shall be shown in the next budget and shall serve to reduce the amount required to be provided by the municipalities and localities.

(19) Where a district assessor has been appointed and an equalization of assessment is required for the purposes of this or any other Act, the assessments made by the district assessor in the municipalities and localities for which the district assessor is deemed to be the assessor shall be deemed to be the equalized assessments for the purposes of this and every other Act, and equalization shall be required only as between a municipality or municipalities for which the district assessor is not deemed to be the assessor and all those municipalities for which he is deemed to be the assessor. Equalization of assessment

(20) If any municipality or locality in a district is not satisfied with the last revised assessment as equalized for any purpose by the district assessor or by the Department, the municipality or locality may appeal by notice in writing to the Ontario Municipal Board from the decision of the district assessor or the Department at any time within thirty days after the mailing of the equalized report to the municipality or locality by the district assessor or the Department. Appeal of equalization

(21) Every report of an equalization made under this section shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization. Report of equalization

7.—(1) Subsection 2 of section 182 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 182, subs. 2, re-enacted

(2) The treasurer shall, within the said period of ninety days from the day of the sale, if the land is not previously redeemed, send by registered mail to each encumbrancer, if any, and to the registered owner, to the address of such encumbrancer or owner as it appears at that time in the records of the municipality in which the land is situated or, if such address does not appear in any of the records of such municipality or is not known to the treasurer, to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office, a notice stating that the land has been sold for taxes, the date of the sale, and that the encumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to Notice to encumbrancer and owner

An Act to amend The Assessment Act

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

May 7th, 1964

MR. SPOONER

1964

BILL 61

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendment is required so that the employees of the Ontario Municipal Employees Retirement Board may participate in the pension scheme established under the Act.

BILL 61 **1964**

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Ontario Municipal Employees Retirement System Act, 1961-62* is amended by adding at the end thereof "and the Board", so that the clause shall read as follows: 1961-62, c. 97, s. 1, cl. *h*, amended

(*h*) "local board" means a local board as defined in *The Department of Municipal Affairs Act*, excluding a hospital board established under any general or special Act that operates a public hospital on behalf of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council and the Board. R.S.O. 1960, c. 98

2. This Act shall be deemed to have come into force on the 18th day of April, 1962. Commencement

3. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1964*. Short title

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

1st Reading

March 3rd, 1964

2nd Reading

3rd Reading

MR. SPOONER

1964

BILL 61

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 61 **1964**

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Ontario Municipal Employees Retirement System Act, 1961-62* is amended by adding at the end thereof "and the Board", so that the clause shall read as follows: 1961-62, c. 97, s. 1, cl. *h*, amended

(*h*) "local board" means a local board as defined in *The Department of Municipal Affairs Act*, excluding a hospital board established under any general or special Act that operates a public hospital on behalf of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council and the Board. R.S.O. 1960, c. 98

2. This Act shall be deemed to have come into force on the 18th day of April, 1962. Commencement

3. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1964*. Short title

BILL 61

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

March 25th, 1964

MR. SPOONER

1964

BILL 62

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Municipal Affairs Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. Self-explanatory.

Section 2. The section is revised to give the Department the same powers with respect to any inquiry or investigation made under any general or special Act as it now has as a result of a provincial-municipal audit made under section 17 of *The Department of Municipal Affairs Act.*

Section 3—Subsection 1. The amendment requires a tax arrears certificate to be signed by the treasurer.

BILL 62 **1964**

An Act to amend The Department of Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Municipal Affairs Act* is amended by adding thereto the following section: R.S.O. 1960, c. 98, amended

17*a*. The Department upon its own initiative may make an inquiry into any of the affairs of a municipality. General inquiry

2. Section 21 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 98, s. 21, re-enacted

21. The Department, as a result of an audit of the affairs of a municipality made under this Part, or as a result of an investigation or inquiry made under any general or special Act, may make such orders as it sees fit requiring the municipality to carry out, put into effect, observe, perform or enforce such matters or things as the audit, investigation or inquiry has disclosed as being necessary or desirable in the interests of the municipality or with respect to the due accounting for, collection or payment of any of its assets, liabilities, revenues, expenditures, funds or money or otherwise in any respect as the order of the Department may provide. Powers of Department as a result of an audit or inquiry

3.—(1) Subsection 3 of section 47 of *The Department of Municipal Affairs Act* is amended by inserting after "certificate" where it occurs the first time in the sixth line "signed by him", so that the subsection shall read as follows: R.S.O. 1960, c. 98, s. 47, subs. 3, amended

(3) The treasurer, with respect to vacant land upon which any part of the taxes remains unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in sub- Registration of tax arrears certificate

section 2, may register in the registry office a certificate signed by him to be known as a tax arrears certificate (Form 1), setting forth therein a description of the vacant land or improved land, as the case may be, and the amount of all unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate vests in and becomes the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right of redemption hereinafter provided and to subsections 8, 10 and 11.

R.S.O. 1960, c. 98, s. 47, subs. 6, repealed

(2) Subsection 6 of the said section 47 is repealed.

R.S.O. 1960, c. 98, s. 49, subs. 2, amended

4. Subsection 2 of section 49 of *The Department of Municipal Affairs Act* is amended by inserting after "certificate" in the second line "signed by him", so that the subsection shall read as follows:

Registration of redemption certificate

(2) Where land is redeemed under this section, the treasurer shall forthwith register in the registry office a certificate signed by him to be known as a redemption certificate (Form 3), setting forth therein a description of the land redeemed, and a redemption certificate, when registered, is a valid and effectual cancellation of the tax arrears certificate registered with respect to the land, and, subject to subsection 3, the land thereupon vests in and becomes the property of the persons who would be entitled thereto if the tax arrears certificate had not been registered, according to their respective rights and interests.

R.S.O. 1960, c. 98, s. 50, subs. 2, repealed

5. Subsection 2 of section 50 of *The Department of Municipal Affairs Act* is repealed.

R.S.O. 1960, c. 98, s. 51, re-enacted

6. Section 51 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor:

Where land in land titles office

51. Where land to which section 47 applies is registered in a land titles office, the certificate and declarations that may be registered under any provision of this Part shall be registered in the proper land titles office, and all the provisions of this Part in relation to such certificates and declarations and their registration apply *mutatis mutandis* to land entered in a land titles office, and *The Land Titles Act* shall be deemed to permit such registrations.

R.S.O. 1960, c. 204

Subsection 2. Subsection 6, which provided for a registration fee, is repealed. All fees to which registrars are entitled will be provided for under *The Registry Act*.

SECTION 4. The amendment will require a redemption certificate to be signed by the treasurer.

SECTION 5. Subsection 2 provides for fees for registrars on the registration of certificates with respect to tax arrears procedures. These will be provided for under *The Registry Act*. Subsection 2 is, therefore, repealed.

SECTION 6. The provisions respecting registrar fees are deleted. These fees will be provided for under *The Registry Act*.

SECTION 7. The amendment will require a vacating certificate to be signed by the treasurer.

7. Subsection 1 of section 52 of *The Department of Municipal Affairs Act* is amended by inserting after "certificate" in the eleventh line "signed by him", so that the subsection shall read as follows: R.S.O. 1960, c. 98, s. 52, subs. 1, amended

(1) Where under this Part, Part VI of *The Ontario Municipal Board Act, 1932* or Part III of *The Department of Municipal Affairs Act, 1935* a tax arrears certificate has been registered with respect to any land and it is subsequently ascertained that it was registered by mistake or that lands have erroneously been included therein, or where the treasurer has failed to comply with subsection 4 of section 47, or where an agreement for composition and payment of the arrears of taxes for which the certificate was registered has been entered into under section 56, the Department may direct the treasurer of the corporation to register a certificate signed by him to be known as a vacating certificate (Form 4), setting forth therein a description of the land wherein the title of the corporation is to be vacated, and such vacating certificate, when registered, is as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the original estate of such registered owner, but the registration of any vacating certificate does not in any way cancel or affect taxes or arrears of taxes, if any, that may be due upon the land described therein. Vacating certificates 1932, c. 27 1935, c. 16

8.—(1) This Act, except sections 3, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3, 4, 5, 6 and 7 come into force on the 1st day of July, 1964. Idem

9. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1964.* Short title

BILL 62

An Act to amend The Department of Municipal Affairs Act

1st Reading

March 3rd, 1964

2nd Reading

3rd Reading

MR. SPOONER

1964

BILL 62

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Municipal Affairs Act

MR. SPOONER

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. Self-explanatory.

Section 2. The section is revised to give the Department the same powers with respect to any inquiry or investigation made under any general or special Act as it now has as a result of a provincial-municipal audit made under section 17 of *The Department of Municipal Affairs Act.*

Section 3—Subsection 1. The amendment requires a tax arrears certificate to be signed by the treasurer.

BILL 62 **1964**

An Act to amend The Department of Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Municipal Affairs Act* is amended by adding thereto the following section: R.S.O. 1960, c. 98, amended

17*a*. The Department upon its own initiative may make an inquiry into any of the affairs of a municipality. General inquiry

2. Section 21 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 98, s. 21, re-enacted

21. The Department, as a result of an audit of the affairs of a municipality made under this Part, or as a result of an investigation or inquiry made under any general or special Act, may make such orders as it sees fit requiring the municipality to carry out, put into effect, observe, perform or enforce such matters or things as the audit, investigation or inquiry has disclosed as being necessary or desirable in the interests of the municipality or with respect to the due accounting for, collection or payment of any of its assets, liabilities, revenues, expenditures, funds or money or otherwise in any respect as the order of the Department may provide. Powers of Department as a result of an audit or inquiry

3.—(1) Subsection 3 of section 47 of *The Department of Municipal Affairs Act* is amended by inserting after "certificate" where it occurs the first time in the sixth line "signed by him", so that the subsection shall read as follows: R.S.O. 1960, c. 98, s. 47, subs. 3, amended

(3) The treasurer, with respect to vacant land upon which any part of the taxes remains unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in sub- Registration of tax arrears certificate

section 2, may register in the registry office a certificate signed by him to be known as a tax arrears certificate (Form 1), setting forth therein a description of the vacant land or improved land, as the case may be, and the amount of all unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate vests in and becomes the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right of redemption hereinafter provided and to subsections 8, 10 and 11.

R.S.O. 1960, c. 98, s. 47, subs. 6, repealed

(2) Subsection 6 of the said section 47 is repealed.

R.S.O. 1960, c. 98, s. 49, subs. 2, amended

4. Subsection 2 of section 49 of *The Department of Municipal Affairs Act* is amended by inserting after "certificate" in the second line "signed by him", so that the subsection shall read as follows:

Registration of redemption certificate

(2) Where land is redeemed under this section, the treasurer shall forthwith register in the registry office a certificate signed by him to be known as a redemption certificate (Form 3), setting forth therein a description of the land redeemed, and a redemption certificate, when registered, is a valid and effectual cancellation of the tax arrears certificate registered with respect to the land, and, subject to subsection 3, the land thereupon vests in and becomes the property of the persons who would be entitled thereto if the tax arrears certificate had not been registered, according to their respective rights and interests.

R.S.O. 1960, c. 98, s. 50, subs. 2, repealed

5. Subsection 2 of section 50 of *The Department of Municipal Affairs Act* is repealed.

R.S.O. 1960, c. 98, s. 51, re-enacted

6. Section 51 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor:

Where land in land titles office

51. Where land to which section 47 applies is registered in a land titles office, the certificate and declarations that may be registered under any provision of this Part shall be registered in the proper land titles office, and all the provisions of this Part in relation to such certificates and declarations and their registration apply *mutatis mutandis* to land entered in a land titles office, and *The Land Titles Act* shall be deemed to permit such registrations.

R.S.O. 1960, c. 204

Subsection 2. Subsection 6, which provided for a registration fee, is repealed. All fees to which registrars are entitled will be provided for under *The Registry Act.*

SECTION 4. The amendment will require a redemption certificate to be signed by the treasurer.

SECTION 5. Subsection 2 provides for fees for registrars on the registration of certificates with respect to tax arrears procedures. These will be provided for under *The Registry Act.* Subsection 2 is, therefore, repealed.

SECTION 6. The provisions respecting registrar fees are deleted. These fees will be provided for under *The Registry Act.*

SECTION 7. The amendment will require a vacating certificate to be signed by the treasurer.

7. Subsection 1 of section 52 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 98, s. 52, subs. 1, re-enacted

(1) Where under this Part, Part VI of *The Ontario Municipal Board Act, 1932* or Part III of *The Department of Municipal Affairs Act, 1935* a tax arrears certificate has been registered with respect to any land and it is subsequently ascertained that it was registered by mistake or that lands have erroneously been included therein, or where the treasurer has failed to comply with subsection 4 of section 47, or where an agreement for composition and payment of the arrears of taxes for which the certificate was registered has been entered into under section 56, the Department may direct the treasurer of the corporation to register a certificate signed by him, to be known as a vacating certificate (Form 4), setting forth therein a description of the land wherein the title of the corporation is to be vacated, and such vacating certificate, when registered, is as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the estate of such registered owner at the time of the registration of the tax arrears certificate, but the registration of any vacating certificate does not in any way cancel or affect taxes or arrears of taxes, if any, that may be due upon the land described therein. Vacating certificates 1932, c. 27 1935, c. 16

8.—(1) This Act, except sections 3, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3, 4, 5, 6 and 7 come into force on the 1st day of July, 1964. Idem

9. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1964.* Short title

An Act to amend The Department of Municipal Affairs Act

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

MR. SPOONER

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

1964

BILL 62

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Municipal Affairs Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 62 **1964**

An Act to amend The Department of Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Municipal Affairs Act* is amended by adding thereto the following section: R.S.O. 1960, c. 98, amended

17*a*. The Department upon its own initiative may make an inquiry into any of the affairs of a municipality. General inquiry

2. Section 21 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 98, s. 21, re-enacted

21. The Department, as a result of an audit of the affairs of a municipality made under this Part, or as a result of an investigation or inquiry made under any general or special Act, may make such orders as it sees fit requiring the municipality to carry out, put into effect, observe, perform or enforce such matters or things as the audit, investigation or inquiry has disclosed as being necessary or desirable in the interests of the municipality or with respect to the due accounting for, collection or payment of any of its assets, liabilities, revenues, expenditures, funds or money or otherwise in any respect as the order of the Department may provide. Powers of Department as a result of an audit or inquiry

3.—(1) Subsection 3 of section 47 of *The Department of Municipal Affairs Act* is amended by inserting after "certificate" where it occurs the first time in the sixth line "signed by him", so that the subsection shall read as follows: R.S.O. 1960, c. 98, s. 47, subs. 3, amended

(3) The treasurer, with respect to vacant land upon which any part of the taxes remains unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in sub- Registration of tax arrears certificate

section 2, may register in the registry office a certificate signed by him to be known as a tax arrears certificate (Form 1), setting forth therein a description of the vacant land or improved land, as the case may be, and the amount of all unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate vests in and becomes the property of the municipality, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, subject only to the right of redemption hereinafter provided and to subsections 8, 10 and 11.

R.S.O. 1960, c. 98, s. 47, subs. 6, repealed

(2) Subsection 6 of the said section 47 is repealed.

R.S.O. 1960, c. 98, s. 49, subs. 2, amended

4. Subsection 2 of section 49 of *The Department of Municipal Affairs Act* is amended by inserting after "certificate" in the second line "signed by him", so that the subsection shall read as follows:

Registration of redemption certificate

(2) Where land is redeemed under this section, the treasurer shall forthwith register in the registry office a certificate signed by him to be known as a redemption certificate (Form 3), setting forth therein a description of the land redeemed, and a redemption certificate, when registered, is a valid and effectual cancellation of the tax arrears certificate registered with respect to the land, and, subject to subsection 3, the land thereupon vests in and becomes the property of the persons who would be entitled thereto if the tax arrears certificate had not been registered, according to their respective rights and interests.

R.S.O. 1960, c. 98, s. 50, subs. 2, repealed

5. Subsection 2 of section 50 of *The Department of Municipal Affairs Act* is repealed.

R.S.O. 1960, c. 98, s. 51, re-enacted

6. Section 51 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor:

Where land in land titles office

51. Where land to which section 47 applies is registered in a land titles office, the certificate and declarations that may be registered under any provision of this Part shall be registered in the proper land titles office, and all the provisions of this Part in relation to such certificates and declarations and their registration apply *mutatis mutandis* to land entered in a land titles office, and *The Land Titles Act* shall be deemed to permit such registrations.

R.S.O. 1960, c. 204

7. Subsection 1 of section 52 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 98, s. 52, subs. 1, re-enacted

(1) Where under this Part, Part VI of *The Ontario Municipal Board Act, 1932* or Part III of *The Department of Municipal Affairs Act, 1935* a tax arrears certificate has been registered with respect to any land and it is subsequently ascertained that it was registered by mistake or that lands have erroneously been included therein, or where the treasurer has failed to comply with subsection 4 of section 47, or where an agreement for composition and payment of the arrears of taxes for which the certificate was registered has been entered into under section 56, the Department may direct the treasurer of the corporation to register a certificate signed by him, to be known as a vacating certificate (Form 4), setting forth therein a description of the land wherein the title of the corporation is to be vacated, and such vacating certificate, when registered, is as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the estate of such registered owner at the time of the registration of the tax arrears certificate, but the registration of any vacating certificate does not in any way cancel or affect taxes or arrears of taxes, if any, that may be due upon the land described therein. Vacating certificates 1932, c. 27 1935, c. 16

8.—(1) This Act, except sections 3, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3, 4, 5, 6 and 7 come into force on the 1st day of July, 1964. Idem

9. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1964.* Short title

BILL 62

An Act to amend The Department of Municipal Affairs Act

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

May 7th, 1964

MR. SPOONER

1964

BILL 63

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Ontario-St. Lawrence Development Commission Act

MR. AULD

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to change the name of The Ontario-St. Lawrence Development Commission to The St. Lawrence Parks Commission.

BILL 63 **1964**

An Act to amend The Ontario-St. Lawrence Development Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Ontario-St. Lawrence Development Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 279, amended

THE ST. LAWRENCE PARKS COMMISSION ACT

2. Clause *a* of section 1 of *The Ontario-St. Lawrence Development Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 279, s. 1, cl. *a*, re-enacted

(*a*) "Commission" means The St. Lawrence Parks Commission.

3. Subsection 1 of section 2 of *The Ontario-St. Lawrence Development Commission Act*, as re-enacted by section 1 of *The Ontario-St. Lawrence Development Commission Amendment Act, 1962-63*, is amended by inserting after "continued" in the second line "under the name 'The St. Lawrence Parks Commission' ", so that the subsection shall read as follows: R.S.O. 1960, c. 279, s. 2, subs. 1 (1962-63, c. 98, s. 1), amended

(1) The Ontario-St. Lawrence Development Commission is continued under the name "The St. Lawrence Parks Commission" as a corporation without share capital, and shall be composed of not fewer than three and not more than fifteen members appointed by the Lieutenant Governor in Council. Commission continued

4. Any reference in any Act to The Ontario-St. Lawrence Development Commission shall hereafter be deemed to be a reference to The St. Lawrence Parks Commission. Reference to Commission

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1964.*

BILL 85

An Act to amend The Ontario-St. Lawrence Development Commission Act

1st Reading

March 3rd, 1964

2nd Reading

3rd Reading

MR. AULD

1964

BILL 63

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Ontario-St. Lawrence Development Commission Act

MR. AULD

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 63 **1964**

An Act to amend The Ontario-St. Lawrence Development Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Ontario-St. Lawrence Development Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 279, amended

THE ST. LAWRENCE PARKS COMMISSION ACT

2. Clause *a* of section 1 of *The Ontario-St. Lawrence Development Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 279, s. 1, cl. *a*, re-enacted

(*a*) "Commission" means The St. Lawrence Parks Commission.

3. Subsection 1 of section 2 of *The Ontario-St. Lawrence Development Commission Act*, as re-enacted by section 1 of *The Ontario-St. Lawrence Development Commission Amendment Act, 1962-63*, is amended by inserting after "continued" in the second line "under the name 'The St. Lawrence Parks Commission' ", so that the subsection shall read as follows: R.S.O. 1960, c. 279, s. 2, subs. 1 (1962-63, c. 98, s. 1), amended

(1) The Ontario-St. Lawrence Development Commission is continued under the name "The St. Lawrence Parks Commission" as a corporation without share capital, and shall be composed of not fewer than three and not more than fifteen members appointed by the Lieutenant Governor in Council. Commission continued

4. Any reference in any Act to The Ontario-St. Lawrence Development Commission shall hereafter be deemed to be a reference to The St. Lawrence Parks Commission. Reference to Commission

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1964.*

An Act to amend The Ontario-St. Lawrence Development Commission Act

1st Reading

March 3rd, 1964

2nd Reading

March 9th, 1964

3rd Reading

March 25th, 1964

MR. AULD

1964

BILL 64

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to set aside a Certain Tax Sale of Land in the Township of Herschel for the Relief of Wallace Bullied and Norah Bullied

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill sets aside a tax sale of the premises described in the Schedule. No notice of the sale of the premises under the tax sales procedure of *The Assessment Act* was actually received by the owners thereof partly as a result of the provisions for giving notice under the Act, which are being amended. See Bill 60.

BILL 64 **1964**

An Act to set aside a Certain Tax Sale of Land in the Township of Herschel for the Relief of Wallace Bullied and Norah Bullied

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Sale set aside

1. The sale to Gerrard Schardt of the lands and premises described in the Schedule hereto by the treasurer of The Corporation of the County of Hastings on the 8th day of November, 1960, is hereby set aside and declared to be void.

Tax sale notice set aside

2. The tax sale notice given by the treasurer of The Corporation of the County of Hastings on the 28th day of December, 1961, in respect of the lands and premises described in the Schedule hereto, dated the 28th day of December, 1961, and registered in the Registry Office for the Registry Division of the County of Hastings for the Township of Herschel at 2.35 o'clock p.m. of the 28th day of December, 1961, as No. 62872, is hereby set aside and declared to be void.

Tax deed set aside

3. The tax deed in respect of the lands and premises described in the Schedule hereto given by the warden and treasurer of The Corporation of the County of Hastings to Gerrard Schardt, dated the 21st day of August, 1962, and registered in the Registry Office for the Registry Division of the County of Hastings for the Township of Herschel at 9.37 o'clock a.m. of the 14th day of August, 1963, as No. 76116, is hereby set aside and declared to be void.

Rights of Schardt

4. Gerrard Schardt has no right or title to and no claim or interest in the lands and premises described in the Schedule hereto.

Sum payable by Bullieds

5. (1) Wallace Bullied and Norah Bullied shall, on or before the 1st day of July, 1964, pay to the treasurer of the County of Hastings the sum of $25, which shall be applied by the treasurer in the following manner:

1. The sum of $8.36 shall be paid to Gerrard Schardt, being the amount paid by Gerrard Schardt as the purchase price for the lands and premises described in the Schedule hereto.

2. The sum of $4.86 shall be paid to the treasurer of the Township of Herschel as a full discharge of the arrears of taxes for the year 1957 upon the lands and premises described in the Schedule hereto.

3. The balance shall be retained by the treasurer of the County of Hastings for his costs of the tax sale proceedings in respect of the lands and premises described in the Schedule hereto.

Levy authorized

(2) If such sum is not paid by Wallace Bullied and Norah Bullied at the time mentioned in subsection 1, the sheriff of the County of Hastings may levy against the lands and goods of Wallace Bullied and Norah Bullied in the same manner as upon an execution filed with him.

Registration of Act

6. Wallace Bullied and Norah Bullied shall register a copy of this Act, within sixty days after it comes into force, in the Registry Office for the Registry Division of the County of Hastings.

Entries in register to be expunged

7. The registrar of the County of Hastings shall expunge from the register in the Registry Office for the Registry Division of the County of Hastings all entries therein respecting the tax sale notice mentioned in section 2 and the tax deed mentioned in section 3.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Wallace Bullied and Norah Bullied Relief Act, 1964.*

SCHEDULE

All those certain lands and premises being part of Lot Number 20 in the 4th Concession of the Township of Herschel more particularly described as follows:

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of Herschel, in the County of Hastings, and consisting of a part of Lot Number 20, in the 4th Concession of the said Township of Herschel, and which is more particularly described as follows:

BEGINNING at a point in the south boundary of the right of way of the Canadian National Railway, on said Lot 20, 31 rods easterly from the Lot line between the said Lot 20 and 21 adjoining it; thence easterly along said south boundary of the said right of way, a distance of 75 feet; thence southerly and parallel with the east boundary of the land as described in Registered Instrument No. 1799, a distance of 132 feet, more or less, to the north boundary of the Public Road; thence westerly a distance of 75 feet to the east boundary of the land as described in Registered Instrument No. 1799; thence northerly along this said boundary a distance of 132 feet, more or less, to the place of beginning.

SAVING AND EXCEPTING therefrom and thereout, to the use of the said Grantor, her heirs, and assigns, a parcel of land on the south-west corner of the said parcel of land as conveyed above, which said parcel is more particularly described as follows:

Being a parcel of land 17 feet in width, measured along the north boundary of the Public travelled road, from the south west corner of said lot, as conveyed above, and having a uniform depth northerly of 20 feet.

The said Grantor, her heirs and assigns are to have the use of this said parcel of land exempted, as long as they hold or own land in the Township of Herschel.

BILL 64

An Act to set aside a Certain Tax Sale of Land in the Township of Herschel for the Relief of Wallace Bullied and Norah Bullied

---

1st Reading

March 4th, 1964

2nd Reading

3rd Reading

MR. SPOONER

1964

BILL 64

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to set aside a Certain Tax Sale of Land in the Township of Herschel for the Relief of Wallace Bullied and Norah Bullied

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 64 **1964**

An Act to set aside a Certain Tax Sale of Land in the Township of Herschel for the Relief of Wallace Bullied and Norah Bullied

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The sale to Gerrard Schardt of the lands and premises described in the Schedule hereto by the treasurer of The Corporation of the County of Hastings on the 8th day of November, 1960, is hereby set aside and declared to be void. Sale set aside

2. The tax sale notice given by the treasurer of The Corporation of the County of Hastings on the 28th day of December, 1961, in respect of the lands and premises described in the Schedule hereto, dated the 28th day of December, 1961, and registered in the Registry Office for the Registry Division of the County of Hastings for the Township of Herschel at 2.35 o'clock p.m. of the 28th day of December, 1961, as No. 62872, is hereby set aside and declared to be void. Tax sale notice set aside

3. The tax deed in respect of the lands and premises described in the Schedule hereto given by the warden and treasurer of The Corporation of the County of Hastings to Gerrard Schardt, dated the 21st day of August, 1962, and registered in the Registry Office for the Registry Division of the County of Hastings for the Township of Herschel at 9.37 o'clock a.m. of the 14th day of August, 1963, as No. 76116, is hereby set aside and declared to be void. Tax deed set aside

4. Gerrard Schardt has no right or title to and no claim or interest in the lands and premises described in the Schedule hereto. Rights of Schardt

5.—(1) Wallace Bullied and Norah Bullied shall, on or before the 1st day of July, 1964, pay to the treasurer of the County of Hastings the sum of $25, which shall be applied by the treasurer in the following manner: Sum payable by Bullieds

1. The sum of $8.36 shall be paid to Gerrard Schardt, being the amount paid by Gerrard Schardt as the purchase price for the lands and premises described in the Schedule hereto.

2. The sum of $4.86 shall be paid to the treasurer of the Township of Herschel as a full discharge of the arrears of taxes for the year 1957 upon the lands and premises described in the Schedule hereto.

3. The balance shall be retained by the treasurer of the County of Hastings for his costs of the tax sale proceedings in respect of the lands and premises described in the Schedule hereto.

Levy authorized

(2) If such sum is not paid by Wallace Bullied and Norah Bullied at the time mentioned in subsection 1, the sheriff of the County of Hastings may levy against the lands and goods of Wallace Bullied and Norah Bullied in the same manner as upon an execution filed with him.

Registration of Act

6. Wallace Bullied and Norah Bullied shall register a copy of this Act, within sixty days after it comes into force, in the Registry Office for the Registry Division of the County of Hastings.

Entries in register to be expunged

7. The registrar of the County of Hastings shall expunge from the register in the Registry Office for the Registry Division of the County of Hastings all entries therein respecting the tax sale notice mentioned in section 2 and the tax deed mentioned in section 3.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Wallace Bullied and Norah Bullied Relief Act, 1964.*

SCHEDULE

All those certain lands and premises being part of Lot Number 20 in the 4th Concession of the Township of Herschel more particularly described as follows:

All and Singular that certain parcel or tract of land and premises situate, lying and being in the Township of Herschel, in the County of Hastings, and consisting of a part of Lot Number 20, in the 4th Concession of the said Township of Herschel, and which is more particularly described as follows:

BEGINNING at a point in the south boundary of the right of way of the Canadian National Railway, on said Lot 20, 31 rods easterly from the Lot line between the said Lot 20 and 21 adjoining it; thence easterly along said south boundary of the said right of way, a distance of 75 feet; thence southerly and parallel with the east boundary of the land as described in Registered Instrument No. 1799, a distance of 132 feet, more or less, to the north boundary of the Public Road; thence westerly a distance of 75 feet to the east boundary of the land as described in Registered Instrument No. 1799; thence northerly along this said boundary a distance of 132 feet, more or less, to the place of beginning.

SAVING AND EXCEPTING therefrom and thereout, to the use of the said Grantor, her heirs, and assigns, a parcel of land on the south-west corner of the said parcel of land as conveyed above, which said parcel is more particularly described as follows:

Being a parcel of land 17 feet in width, measured along the north boundary of the Public travelled road, from the south west corner of said lot, as conveyed above, and having a uniform depth northerly of 20 feet.

The said Grantor, her heirs and assigns are to have the use of this said parcel of land exempted, as long as they hold or own land in the Township of Herschel.

An Act to set aside a Certain Tax Sale of Land in the Township of Herschel for the Relief of Wallace Bullied and Norah Bullied

---

1st Reading

March 4th, 1964

2nd Reading

March 9th, 1964

3rd Reading

May 7th, 1964

MR. SPOONER

1964

BILL 65

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Division Courts Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendments have the effect of increasing the monetary floor of appealable cases in division courts, in line with the present-day value of the dollar.

BILL 65 **1964**

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 92 of *The Division Courts Act* is amended by striking out "$100" in the second line and inserting in lieu thereof "$200", so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 92, subs. 1, amended

(1) The clerk shall place all actions in which the sum sought to be recovered exceeds $200 at the foot of the trial list, and the judge shall in such cases, unless an agreement not to appeal has been signed and filed as provided by section 107, take down the evidence in writing or cause the same to be taken down in shorthand by a shorthand writer appointed under section 13 of *The County Judges Act* or by some other competent person. Actions over $200 R.S.O. 1960, c. 77

2.—(1) Subsection 1 of section 104 of *The Division Courts Act* is amended by striking out "$100" in the first line and inserting in lieu thereof "$200", so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 104, subs. 1, amended

(1) Where in an action for more than $200 that is contested as to liability or quantum, and in the cases mentioned in clauses *b* and *c* of section 108, a counsel or solicitor has been employed by the successful party in the conduct of the cause or defence, the judge may direct that a sum of $5, to be increased according to the difficulty and importance of the case to not more than $40 or, if the case occupies more than one day, to not more than $50, be allowed to the successful party, and it shall be added to the costs. Counsel fee where action contested

(2) Subsection 2 of the said section 104 is amended by striking out "$100" in the third line and inserting in lieu thereof "$200", so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 104, subs. 2, amended

where assessment uncontested

(2) Where in an assessment of damages, upon which the defendant does not appear personally or by counsel and in which judgement is given for more than $200, a counsel or solicitor has been employed by the plaintiff, the judge may direct that a sum of $5, to be increased according to the difficulty and importance of the case to not more than $25, be allowed to the plaintiff, and it shall be added to the costs.

R.S.O. 1960, c. 110, s. 104, subs. 3, amended

(3) Subsection 3 of the said section 104 is amended by striking out "$100" in the second line and inserting in lieu thereof "$200", so that the subsection shall read as follows:

where adjournment

(3) Where a party applies for and obtains an adjournment in an action involving more than $200 that is contested as to liability or quantum, the presiding judge may, if he is of opinion that counsel for any of the other parties has been unduly inconvenienced by the adjournment, award him a counsel fee of $10.

R.S.O. 1960, c. 110, s. 108, cl. *a*, amended

3.—(1) Clause *a* of section 108 of *The Division Courts Act* is amended by striking out "$100" in the second line and inserting in lieu thereof "$200", so that the clause shall read as follows:

(*a*) in an action or garnishee proceeding where the sum in dispute exceeds $200, exclusive of costs.

R.S.O. 1960, c. 110, s. 108, cl. *b*, amended

(2) Clause *b* of the said section 108 is amended by striking out "$100" in the third line and inserting in lieu thereof "$200" and by striking out "$60" in the fifth line and inserting in lieu thereof "$120", so that the clause shall read as follows:

(*b*) in interpleader where the money or the value of the goods or chattels claimed or proceeds thereof exceeds $200, or where the damages claimed by or awarded to either party against the other or against a bailiff exceed the sum of $120.

Commencement

4. This Act comes into force on the 1st day of September, 1964.

Short title

5. This Act may be cited as *The Division Courts Amendment Act, 1964.*

An Act to amend The Division Courts Act

1st Reading

March 4th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 65

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Division Courts Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 65 **1964**

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 92 of *The Division Courts Act* is amended by striking out "$100" in the second line and inserting in lieu thereof "$200", so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 92, subs. 1, amended

(1) The clerk shall place all actions in which the sum sought to be recovered exceeds $200 at the foot of the trial list, and the judge shall in such cases, unless an agreement not to appeal has been signed and filed as provided by section 107, take down the evidence in writing or cause the same to be taken down in shorthand by a shorthand writer appointed under section 13 of *The County Judges Act* or by some other competent person. Actions over $200 R.S.O. 1960, c. 77

2.—(1) Subsection 1 of section 104 of *The Division Courts Act* is amended by striking out "$100" in the first line and inserting in lieu thereof "$200", so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 104, subs. 1, amended

(1) Where in an action for more than $200 that is contested as to liability or quantum, and in the cases mentioned in clauses *b* and *c* of section 108, a counsel or solicitor has been employed by the successful party in the conduct of the cause or defence, the judge may direct that a sum of $5, to be increased according to the difficulty and importance of the case to not more than $40 or, if the case occupies more than one day, to not more than $50, be allowed to the successful party, and it shall be added to the costs. Counsel fee where action contested

(2) Subsection 2 of the said section 104 is amended by striking out "$100" in the third line and inserting in lieu thereof "$200", so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 104, subs. 2, amended

where assessment uncontested

(2) Where in an assessment of damages, upon which the defendant does not appear personally or by counsel and in which judgement is given for more than $200, a counsel or solicitor has been employed by the plaintiff, the judge may direct that a sum of $5, to be increased according to the difficulty and importance of the case to not more than $25, be allowed to the plaintiff, and it shall be added to the costs.

R.S.O. 1960, c. 110, s. 104, subs. 3, amended

(3) Subsection 3 of the said section 104 is amended by striking out "$100" in the second line and inserting in lieu thereof "$200", so that the subsection shall read as follows:

where adjournment

(3) Where a party applies for and obtains an adjournment in an action involving more than $200 that is contested as to liability or quantum, the presiding judge may, if he is of opinion that counsel for any of the other parties has been unduly inconvenienced by the adjournment, award him a counsel fee of $10.

R.S.O. 1960, c. 110, s. 108, cl. *a*, amended

3.—(1) Clause *a* of section 108 of *The Division Courts Act* is amended by striking out "$100" in the second line and inserting in lieu thereof "$200", so that the clause shall read as follows:

(*a*) in an action or garnishee proceeding where the sum in dispute exceeds $200, exclusive of costs.

R.S.O. 1960, c. 110, s. 108, cl. *b*, amended

(2) Clause *b* of the said section 108 is amended by striking out "$100" in the third line and inserting in lieu thereof "$200" and by striking out "$60" in the fifth line and inserting in lieu thereof "$120", so that the clause shall read as follows:

(*b*) in interpleader where the money or the value of the goods or chattels claimed or proceeds thereof exceeds $200, or where the damages claimed by or awarded to either party against the other or against a bailiff exceed the sum of $120.

Commencement

4. This Act comes into force on the 1st day of September, 1964.

Short title

5. This Act may be cited as *The Division Courts Amendment Act, 1964.*

An Act to amend The Division Courts Act

1st Reading

March 4th, 1964

2nd Reading

March 11th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

BILL 66

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Notaries Act, 1962-63

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The subsection as re-enacted requires a notary whose appointment is limited to note the limitations under his signature.

BILL 66 **1964**

An Act to amend The Notaries Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 5 of *The Notaries Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 91, s. 5, subs. 4, re-enacted

(4) Every notary public to whom this section applies shall indicate, by means of a stamp approved by the Inspector of Legal Offices and affixed under his signature, the date upon which his commission expires and such limitations as to territory and purposes as are contained in the commission. Indication of expiry of commissions

2. This Act may be cited as *The Notaries Amendment Act, 1964.* Short title

An Act to amend The Notaries Act, 1962-63

1st Reading

March 4th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 66

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Notaries Act, 1962-63

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 66 **1964**

An Act to amend The Notaries Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 5 of *The Notaries Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 91, s. 5, subs. 4, re-enacted

(4) Every notary public to whom this section applies shall indicate, by means of a stamp approved by the Inspector of Legal Offices and affixed under his signature, the date upon which his commission expires and such limitations as to territory and purposes as are contained in the commission. Indication of expiry of commissions

2. This Act may be cited as *The Notaries Amendment Act, 1964.* Short title

BILL 66

An Act to amend The Notaries Act, 1962-63

1st Reading

March 4th, 1964

2nd Reading

March 11th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 67

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Vaccination Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Vaccination Act is more than 100 years old. It contains provisions that are anachronistic to-day. Accordingly the Act is being repealed.

Hereafter vaccination matters will be dealt with under concurrent amendments to *The Public Health Act*.

BILL 67 **1964**

An Act to repeal The Vaccination Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Vaccination Act* is repealed. R.S.O. 1960, c. 412, repealed

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

3. This Act may be cited as *The Vaccination Repeal Act, 1964*. Short title

An Act to repeal The Vaccination Act

1st Reading

March 4th, 1964

2nd Reading

3rd Reading

MR. DYMOND

1964

BILL 67

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Vaccination Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 67 1964

An Act to repeal The Vaccination Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Vaccination Act* is repealed. R.S.O. 1960, c. 412, repealed

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

3. This Act may be cited as *The Vaccination Repeal Act, 1964*. Short title

BILL 67

An Act to repeal The Vaccination Act

1st Reading

March 4th, 1964

2nd Reading

March 17th, 1964

3rd Reading

May 7th, 1964

MR. DYMOND

1964

BILL 68

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Public Health Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1—Subsection 1. The power to make regulations with respect to the distribution of agents for the control or treatment of diabetes is broadened in order to accommodate the modern methods of distribution.

Subsection 2. Regulations respecting vaccination will replace *The Vaccination Act* which is obsolete and is being repealed (see Bill 67).

Subsection 3. The paragraph is re-enacted in order to provide for more comprehensive regulations respecting public swimming pools (see also section 11 of this Bill).

BILL 68 **1964**

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 6 of *The Public Health Act*, as amended by subsection 1 of section 1 of *The Public Health Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 321, s. 6, par. 8, re-enacted

8. designating any substance, other than insulin, for the control or treatment of diabetes and prescribing the terms and conditions upon which he may supply, or contribute towards the cost of supplying, free of charge to indigent persons under section 56 insulin or any designated substance, and the forms to be used in connection therewith, and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed 25 per cent of such cost. insulin, etc.

(2) The said section 6 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 321, s. 6, amended

12*a*. requiring the vaccination, revaccination or quarantine of persons for the purposes of sections 61*a* and 61*b* and governing and regulating such vaccination, revaccination and quarantine, and classifying persons for the purposes thereof. vaccination

(3) Paragraph 35 of the said section 6, as amended by subsection 3 of section 1 of *The Public Health Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 321, s. 6, par. 35, re-enacted

35. defining public swimming pools and governing and prohibiting the construction, alteration, repair, location, operation, maintenance and use of public swimming pools, and classifying public swimming swimming pools

pools and exempting any class from the requirements of any provision of the regulations, and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers in public swimming pools.

R.S.O. 1960, c. 321, s. 20, repealed

2. Section 20 of *The Public Health Act* is repealed.

R.S.O. 1960, c. 321, s. 21, subs. 1, amended

3. Subsection 1 of section 21 of *The Public Health Act* is amended by inserting after "regulations" in the sixth line "or in carrying out its functions under any other Act or the regulations thereunder", so that the subsection shall read as follows:

Payment of accounts certified by board

(1) The treasurer of the municipality shall forthwith upon demand pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or sanitary inspector in carrying out this Act or the regulations or in carrying out its functions under any other Act or the regulations thereunder, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer.

R.S.O. 1960, c. 321, s. 34, subs. 1, re-enacted

4. Subsection 1 of section 34 of *The Public Health Act* is repealed and the following substituted therefor:

Appointment of M.O.H.

(1) The council of every municipality shall, subject to the approval of the Minister, appoint a legally qualified medical practitioner to be the medical officer of health for the municipality.

Appointment of sanitary inspectors

(1*a*) The council of every municipality shall appoint such number of sanitary inspectors for the municipality as are deemed necessary by the local board and as are prescribed by the regulations.

R.S.O. 1960, c. 321, s. 35*a* (1962-63, c. 113, s. 3), amended

5. Section 35*a* of *The Public Health Act*, as enacted by section 3 of *The Public Health Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Idem

(5*a*) By-laws passed under the authority of subsection 5 shall be passed unanimously by the separated local board at a regular meeting or at a special meeting duly called for the purpose of considering such by-laws.

SECTION 2. The section repealed, which authorizes the council of a township to pay the members and the secretary of the local board of health for attending meetings, is now covered in *The Municipal Act*.

SECTION 3. The provision is extended to cover work done under other Acts as well as *The Public Health Act*.

SECTION 4. These provisions are re-enacted in order to remove the necessity of having the Minister's approval to the appointment of sanitary inspectors.

SECTION 5. As some health units comprise many municipalities, it is provided that all internal administration by-laws must be passed unanimously.

SECTION 6. This amendment removes the age limit at which an M.O.H. must retire.

SECTIONS 7 and 8. Self-explanatory.

SECTION 9. See note to subsection 2 of section 1 of this Bill. These provisions are complementary.

6. Subsection 2 of section 37 of *The Public Health Act* is amended by striking out "until he has attained the age of seventy-five years" in the fourth and fifth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 321, s. 37, subs. 2, amended

(2) Every medical officer of health shall cease to hold office upon attaining the age of seventy years, but the municipal council, with the approval of the Minister, may continue a medical officer of health in office from year to year. Age of retirement of M.O.H.

7. Section 56 of *The Public Health Act*, as amended by section 4 of *The Public Health Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 321, s. 56, re-enacted

56.—(1) The Minister may supply, or contribute towards the cost of supplying, free of charge to indigent persons insulin or any designated substance for the control or treatment of diabetes upon such terms and conditions as the regulations prescribe. Supply of insulin, etc., to indigents

(2) The regulations may prescribe that the municipality in which the indigent person resides shall contribute a part of the cost, not exceeding 25 per cent thereof, of supplying insulin or any substance for the control or treatment of diabetes designated by the regulations. Municipal contribution to cost

8. Subsection 2 of section 61 of *The Public Health Act* is amended by inserting after "the" in the second line "occurence or", so that the subsection shall read as follows: R.S.O. 1960, c. 321, s. 61, subs. 2, amended

(2) The medical officer of health or local board, when it is considered necessary to prevent the occurrence or spread of a communicable disease, may direct that any school or seminary of learning, or any church or public hall or other place used for public gatherings or entertainment in the municipality, be closed and may prohibit all public assemblies in the municipality, and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor be re-opened without the permission of the medical officer of health. Closing schools, churches, etc.

9. *The Public Health Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 321, amended

61*a*. Subject to the regulations, where smallpox is found or suspected to exist in a municipality or where there is a danger of the spread of smallpox from another Smallpox

jurisdiction or where persons in a municipality have been exposed to smallpox, the medical officer of health and the local board may require the vaccination, revaccination or quarantine of such persons or classes of persons as may be designated by the regulations.

Application of s. 61*a* to unorganized territory

61*b*. The Lieutenant Governor in Council may designate that the provisions of section 61*a* shall apply *mutatis mutandis* to territory without municipal organization in such manner and under such conditions as may be prescribed by the regulations.

R.S.O. 1960, c. 321, s. 81, repealed

10. Section 81 of *The Public Health Act* is repealed.

R.S.O. 1960, c. 321, amended

11. *The Public Health Act* is amended by adding thereto the following section:

Public swimming pools, regulating

122*a*. The board of health of a health unit or the council of a municipality that does not form part of a health unit may pass by-laws,

(*a*) for governing and regulating public swimming pools;

(*b*) for licensing public swimming pools and prescribing conditions therefor, including a fee for each licence, and for revoking such licences; and

(*c*) for prohibiting the use of public swimming pools unless licensed.

Commencement

12.—(1) This Act, except subsections 1 and 2 of section 1 and sections 5, 7 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1 and 2 of section 1 and sections 5, 7 and 9 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

13. This Act may be cited as *The Public Health Amendment Act, 1964*.

SECTION 10. The section repealed, which provides for the Department of Health establishing and administering maternal and child health programmes, is no longer required as such programmes have been taken over by the Hospital Services Commission of Ontario.

SECTION 11. See note to subsection 3 of section 1 of this Bill. This provision is complementary.

An Act to amend The Public Health Act

1st Reading

March 4th, 1964

2nd Reading

3rd Reading

MR. DYMOND

1964

BILL 68

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Public Health Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 68 **1964**

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 6 of *The Public Health Act*, as amended by subsection 1 of section 1 of *The Public Health Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 321, s. 6, par. 8, re-enacted

8. designating any substance, other than insulin, for the control or treatment of diabetes and prescribing the terms and conditions upon which he may supply, or contribute towards the cost of supplying, free of charge to indigent persons under section 56 insulin or any designated substance, and the forms to be used in connection therewith, and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed 25 per cent of such cost. insulin, etc.

(2) The said section 6 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 321, s. 6, amended

12*a*. requiring the vaccination, revaccination or quarantine of persons for the purposes of sections 61*a* and 61*b* and governing and regulating such vaccination, revaccination and quarantine, and classifying persons for the purposes thereof. vaccination

(3) Paragraph 35 of the said section 6, as amended by subsection 3 of section 1 of *The Public Health Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 321, s. 6, par. 35, re-enacted

35. defining public swimming pools and governing and prohibiting the construction, alteration, repair, location, operation, maintenance and use of public swimming pools, and classifying public swimming swimming pools

pools and exempting any class from the requirements of any provision of the regulations, and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers in public swimming pools.

R.S.O. 1960, c. 321, s. 20, repealed

2. Section 20 of *The Public Health Act* is repealed.

R.S.O. 1960, c. 321, s. 21, subs. 1, amended

3. Subsection 1 of section 21 of *The Public Health Act* is amended by inserting after "regulations" in the sixth line "or in carrying out its functions under any other Act or the regulations thereunder", so that the subsection shall read as follows:

Payment of accounts certified by board

(1) The treasurer of the municipality shall forthwith upon demand pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or sanitary inspector in carrying out this Act or the regulations or in carrying out its functions under any other Act or the regulations thereunder, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer.

R.S.O. 1960, c. 321, s. 34, subs. 1, re-enacted

4. Subsection 1 of section 34 of *The Public Health Act* is repealed and the following substituted therefor:

Appointment of M.O.H.

(1) The council of every municipality shall, subject to the approval of the Minister, appoint a legally qualified medical practitioner to be the medical officer of health for the municipality.

Appointment of sanitary inspectors

(1*a*) The council of every municipality shall appoint such number of sanitary inspectors for the municipality as are deemed necessary by the local board and as are prescribed by the regulations.

R.S.O. 1960, c. 321, s. 35*a* (1962-63, c. 113, s. 3), amended

5. Section 35*a* of *The Public Health Act*, as enacted by section 3 of *The Public Health Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Idem

(5*a*) By-laws passed under the authority of subsection 5 shall be passed unanimously by the separated local board at a regular meeting or at a special meeting duly called for the purpose of considering such by-laws.

6. Subsection 2 of section 37 of *The Public Health Act* is amended by striking out "until he has attained the age of seventy-five years" in the fourth and fifth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 321, s. 37, subs. 2, amended

(2) Every medical officer of health shall cease to hold office upon attaining the age of seventy years, but the municipal council, with the approval of the Minister, may continue a medical officer of health in office from year to year. Age of retirement of M.O.H.

7. Section 56 of *The Public Health Act*, as amended by section 4 of *The Public Health Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 321, s. 56, re-enacted

56.—(1) The Minister may supply, or contribute towards the cost of supplying, free of charge to indigent persons insulin or any designated substance for the control or treatment of diabetes upon such terms and conditions as the regulations prescribe. Supply of insulin, etc., to indigents

(2) The regulations may prescribe that the municipality in which the indigent person resides shall contribute a part of the cost, not exceeding 25 per cent thereof, of supplying insulin or any substance for the control or treatment of diabetes designated by the regulations. Municipal contribution to cost

8. Subsection 2 of section 61 of *The Public Health Act* is amended by inserting after "the" in the second line "occurence or", so that the subsection shall read as follows: R.S.O. 1960, c. 321, s. 61, subs. 2, amended

(2) The medical officer of health or local board, when it is considered necessary to prevent the occurrence or spread of a communicable disease, may direct that any school or seminary of learning, or any church or public hall or other place used for public gatherings or entertainment in the municipality, be closed and may prohibit all public assemblies in the municipality, and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor be re-opened without the permission of the medical officer of health. Closing schools, churches, etc.

9. *The Public Health Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 321, amended

61*a*. Subject to the regulations, where smallpox is found or suspected to exist in a municipality or where there is a danger of the spread of smallpox from another Smallpox

jurisdiction or where persons in a municipality have been exposed to smallpox, the medical officer of health and the local board may require the vaccination, revaccination or quarantine of such persons or classes of persons as may be designated by the regulations.

Application of s. 61*a* to unorganized territory

61*b*. The Lieutenant Governor in Council may designate that the provisions of section 61*a* shall apply *mutatis mutandis* to territory without municipal organization in such manner and under such conditions as may be prescribed by the regulations.

R.S.O. 1960, c. 321, s. 81, repealed

10. Section 81 of *The Public Health Act* is repealed.

R.S.O. 1960, c. 321, amended

11. *The Public Health Act* is amended by adding thereto the following section:

Public swimming pools, regulating

122*a*. The board of health of a health unit or the council of a municipality that does not form part of a health unit may pass by-laws,

(*a*) for governing and regulating public swimming pools;

(*b*) for licensing public swimming pools and prescribing conditions therefor, including a fee for each licence, and for revoking such licences; and

(*c*) for prohibiting the use of public swimming pools unless licensed.

Commencement

12.—(1) This Act, except subsections 1 and 2 of section 1 and sections 5, 7 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1 and 2 of section 1 and sections 5, 7 and 9 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

13. This Act may be cited as *The Public Health Amendment Act, 1964*.

An Act to amend The Public Health Act

1st Reading

March 4th, 1964

2nd Reading

March 17th, 1964

3rd Reading

May 7th, 1964

MR. DYMOND

BILL 69

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Summary Convictions Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The amendment gives magistrates the same powers for dealing with contempt in respect of provincial offences as they have in respect of *Criminal Code* offences.

Section 2. The new section provides a procedure for registering a conviction where fines are paid out of court.

BILL 69 **1964**

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Summary Convictions Act* is amended by inserting after "22" in the second line "426", so that the section shall read as follows: R.S.O. 1960, c. 387, s. 3, amended

3. Except where inconsistent with this Act, Parts XIX and XXIV and sections 20, 21, 22, 426, 446 (in so far as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, apply *mutatis mutandis* to every case to which this Act applies as if the provisions thereof were enacted in and formed part of this Act. Application of *Criminal Code* 1953-54, c. 51 (Can.)

2. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960, c. 387, amended

7a.—(1) There may be endorsed upon a summons a notice that the person to whom the summons is directed may pay out of court a specified penalty. Penalty payable out of court

(*2*) Where a summons is so endorsed, it shall provide for a plea of guilty in the following form: Plea of guilty

PLEA OF GUILTY

I am aware that I have a right to a hearing in respect of the offence with which I am charged, that by signing this plea of guilty I am waiving my right to a hearing and that my signature may result in a conviction against me without a hearing and may result in the recording of demerit points where applicable under *The Highway Traffic Act*. I hereby plead guilty to the offence as charged.

. . . . . .
Signature of Defendant

Signature

(3) A signature affixed to the form of Plea of Guilty purporting to be that of the person to whom the summons is directed is *prima facie* proof that it is the signature of that person.

Conviction

(4) Upon receipt of the summons with a plea of guilty made thereon in accordance with subsection 2, a justice may convict the person to whom the summons is directed of the offence described in the summons.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Summary Convictions Amendment Act, 1964.*

An Act to amend
The Summary Convictions Act

1st Reading

March 5th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 69

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Summary Convictions Act

MR. CASS

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The amendment gives magistrates the same powers for dealing with contempt in respect of provincial offences as they have in respect of *Criminal Code* offences.

Section 2. Complementary to section 3.

Section 3. The new section provides a procedure for registering a conviction where fines are paid out of court.

BILL 69 **1964**

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Summary Convictions Act* is amended by inserting after "22" in the second line "426", so that the section shall read as follows: R.S.O. 1960, c. 387, s. 3, amended

3. Except where inconsistent with this Act, Parts XIX and XXIV and sections 20, 21, 22, 426, 446 (in so far as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, apply *mutatis mutandis* to every case to which this Act applies as if the provisions thereof were enacted in and formed part of this Act. Application of *Criminal Code* 1953-54, c. 51 (Can.)

2. Subsection 4 of section 6 of *The Summary Convictions Act* is amended by inserting after "6" in the first line "and except where a plea of guilty is entered under section 7*a*", so that the subsection shall read as follows: R.S.O. 1960, c. 387, s. 6, subs. 4, amended

(4) Except as provided in subsection 6 and except where a plea of guilty is entered under section 7*a*, a summons sent by prepaid post shall be deemed not to have been served unless the person summoned appears in person or by his counsel or other representative at the time and place named in the summons. When deemed not service

3. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960, c. 387, amended

7*a*.—(1) There may be endorsed upon a summons a notice that the person to whom the summons is directed may pay out of court a specified penalty. Penalty payable out of court

Plea of guilty

(2) Where a summons is so endorsed, it shall provide for a plea of guilty in the following form:

PLEA OF GUILTY

I am aware that I have a right to a hearing in respect of the offence with which I am charged, that by signing this plea of guilty I am waiving my right to a hearing and that my signature may result in a conviction against me without a hearing and may result in the recording of demerit points where applicable under *The Highway Traffic Act.* I hereby plead guilty to the offence as charged.

.....
Signature of Defendant

Signature

(3) A signature affixed to the form of Plea of Guilty purporting to be that of the person to whom the summons is directed is *prima facie* proof that it is the signature of that person.

Conviction

(4) Upon receipt of the summons with a plea of guilty made thereon in accordance with subsection 2, a justice may convict the person to whom the summons is directed of the offence described in the summons.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Summary Convictions Amendment Act, 1964.*

An Act to amend
The Summary Convictions Act

1st Reading

March 5th, 1964

2nd Reading

March 11th, 1964

3rd Reading

MR. CASS

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

1964

BILL 69

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Summary Convictions Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 69 **1964**

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Summary Convictions Act* is amended by inserting after "22" in the second line "426", so that the section shall read as follows: R.S.O. 1960, c. 387, s. 3, amended

3. Except where inconsistent with this Act, Parts XIX and XXIV and sections 20, 21, 22, 426, 446 (in so far as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada), as amended or re-enacted from time to time, apply *mutatis mutandis* to every case to which this Act applies as if the provisions thereof were enacted in and formed part of this Act. Application of *Criminal Code* 1953-54, c. 51 (Can.)

2. Subsection 4 of section 6 of *The Summary Convictions Act* is amended by inserting after "6" in the first line "and except where a plea of guilty is entered under section 7*a*", so that the subsection shall read as follows: R.S.O. 1960, c. 387, s. 6, subs. 4, amended

(4) Except as provided in subsection 6 and except where a plea of guilty is entered under section 7*a*, a summons sent by prepaid post shall be deemed not to have been served unless the person summoned appears in person or by his counsel or other representative at the time and place named in the summons. When deemed not service

3. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960, c. 387, amended

7*a*.—(1) There may be endorsed upon a summons a notice that the person to whom the summons is directed may pay out of court a specified penalty. Penalty payable out of court

Plea of guilty

(2) Where a summons is so endorsed, it shall provide for a plea of guilty in the following form:

PLEA OF GUILTY

I am aware that I have a right to a hearing in respect of the offence with which I am charged, that by signing this plea of guilty I am waiving my right to a hearing and that my signature may result in a conviction against me without a hearing and may result in the recording of demerit points where applicable under *The Highway Traffic Act*. I hereby plead guilty to the offence as charged.

.....
Signature of Defendant

Signature

(3) A signature affixed to the form of Plea of Guilty purporting to be that of the person to whom the summons is directed is *prima facie* proof that it is the signature of that person.

Conviction

(4) Upon receipt of the summons with a plea of guilty made thereon in accordance with subsection 2, a justice may convict the person to whom the summons is directed of the offence described in the summons.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Summary Convictions Amendment Act, 1964.*

An Act to amend
The Summary Convictions Act

1st Reading

March 5th, 1964

2nd Reading

March 11th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 70

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Securities Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The section repealed provides for the expiration of renewals on the 31st day of March in each year and requires applications for renewal to be made before the 1st day of March in each year. The purpose is to fix these annual dates by regulation as provided for in section 3 of the Bill.

Section 2. The amendment is for clarification, and the provisions deleted are either unenforceable or covered by *The Summary Convictions Act*.

BILL 70 **1964**

An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Securities Act* is repealed. R.S.O. 1960, c. 363, s. 15, repealed

2. Section 64 of *The Securities Act*, as amended by section 20 of *The Securities Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 363, s. 64, re-enacted

64.—(1) Every person or company who, Offences

(*a*) makes a material false statement in any application, information, statement, material or evidence, submitted or given to the Commission, its representative, the director or the registrar or to any person appointed to make an investigation or audit under this Act, under this Act or the regulations;

(*b*) furnishes false information in any report, statement, return, balance sheet or other document required to be filed or furnished under this Act or the regulations;

(*c*) contravenes this Act or the regulations; or

(*d*) fails to observe or comply with any order, direction or other requirement made under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Companies

(2) Where a company is convicted under subsection 1, the maximum penalty that may be imposed upon the company is $25,000 and not as provided therein.

R.S.O. 1960, c. 363, s. 72, cl. *a*, re-enacted

3. Clause *a* of section 72 of *The Securities Act* is repealed and the following substituted therefor:

(*a*) prescribing requirements respecting applications for registration and renewal of registration, and providing for the expiration of registrations.

Commencement

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Securities Amendment Act, 1964*.

SECTION 3. Complementary to section 1.

An Act to amend The Securities Act

1st Reading

March 5th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 70

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Securities Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 70 **1964**

An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Securities Act* is repealed. R.S.O. 1960, c. 363, s. 15, repealed

2. Section 64 of *The Securities Act*, as amended by section 20 of *The Securities Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 363, s. 64, re-enacted

64.—(1) Every person or company who, Offences

(*a*) makes a material false statement in any application, information, statement, material or evidence, submitted or given to the Commission, its representative, the director or the registrar or to any person appointed to make an investigation or audit under this Act, under this Act or the regulations;

(*b*) furnishes false information in any report, statement, return, balance sheet or other document required to be filed or furnished under this Act or the regulations;

(*c*) contravenes this Act or the regulations; or

(*d*) fails to observe or comply with any order, direction or other requirement made under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Companies

(2) Where a company is convicted under subsection 1, the maximum penalty that may be imposed upon the company is $25,000 and not as provided therein.

R.S.O. 1960, c. 363, s. 72, cl. *a*, re-enacted

3. Clause *a* of section 72 of *The Securities Act* is repealed and the following substituted therefor:

(*a*) prescribing requirements respecting applications for registration and renewal of registration, and providing for the expiration of registrations.

Commencement

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Securities Amendment Act, 1964.*

BILL 70

An Act to amend The Securities Act

1st Reading

March 5th, 1964

2nd Reading

March 11th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 71

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Fire Departments Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The provision for recalling fire fighters to duty is clarified to ensure it applies only in cases of emergency.

Section 2. The procedure for hearings upon discharge is more specifically set out.

Section 3. The time within which bargaining must commence after a request is reduced from 120 days to 60 days.

BILL 71 **1964**

An Act to amend The Fire Departments Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 2 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 2, subs. 7, re-enacted

(7) Notwithstanding this section, where a fire, flood or other disaster occurs that requires the services of every full-time fire fighter, the chief or other officer in charge of the fire department may recall to duty any full-time fire fighter who is not on duty. Recall in emergency

2. Section 4 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 4, re-enacted

4.—(1) A full-time fire fighter shall not be discharged without being given at least seven days notice in writing of the proposed discharge and the reasons therefor, and may, before the expiry of the notice, require a hearing by delivering a notice in writing to that effect to the clerk of the municipality. Discharge

(2) Where a notice requiring a hearing is delivered under subsection 1, the council or a committee thereof shall hold a hearing, and the fire fighter may be represented at the hearing by counsel. Hearing

(3) Where a fire fighter requires a hearing under subsection 2, the discharge shall not take effect before the hearing is disposed of. When discharge effective

3. Subsection 1 of section 5 of *The Fire Departments Act*, as amended by section 3 of *The Fire Departments Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 5, subs. 1, re-enacted

Bargaining

(1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall within sixty days after receipt of the request bargain in good faith with a bargaining committee of the full-time fire fighters, and shall make every reasonable effort to come to an agreement, for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief and the deputy chief of the fire department.

R.S.O. 1960, c. 145, s. 6, subs. 5, amended

4. Subsection 5 of section 6 of *The Fire Departments Act* is amended by striking out "or by the Attorney General" in the second and third lines, so that the subsection shall read as follows:

Extension of periods

(5) Any of the periods mentioned in this section may be extended at any time by agreement of the parties.

R.S.O. 1960, c. 145, s. 7, subs. 5, amended

5.—(1) Subsection 5 of section 7 of *The Fire Departments Act* is amended by striking out "and the arbitrator shall hear and determine the difference or allegation and shall issue a decision and such decision is final and binding upon the parties" in the thirteenth, fourteenth and fifteenth lines and inserting in lieu thereof "and the arbitrator shall commence to hear and determine the difference or allegation within thirty days after his appointment, and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties", so that the subsection shall read as follows:

Single arbitrator

(5) Where a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 5 or of a decision or award of a board of arbitration made under section 6, or where an allegation is made that the agreement or award has been violated, either of the parties may, after exhausting any grievance procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration, and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney General upon the request of either party, and the arbitrator shall commence to hear and determine the difference or allegation within thirty days after his appointment, and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.

SECTION 4. Self-explanatory.

SECTION 5. The time limits governing the hearing and determination of differences under agreements are more specifically set out.

SECTION 6. Self-explanatory.

SECTION 7. Self-explanatory.

(2) The said section 7 is amended by adding thereto the following subsections: R.S.O. 1960, c. 145, s. 7, amended

(6) Each party to an arbitration under subsection 5 shall share equally the cost of the arbitration proceedings and the cost of the arbitrator. Costs

(7) Any of the periods mentioned in subsection 5 may be extended at any time by agreement of the parties. Extension of periods

6. *The Fire Departments Act* is amended by adding thereto the following section: R.S.O. 1960, c. 145, amended

7a. *The Arbitrations Act* does not apply to an arbitration under section 6 or 7. R.S.O. 1960, c. 18, not to apply

7. Section 9 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 9, re-enacted

9. Where a request in writing is made under subsection 1 of section 5 during a year ending with the 31st day of December and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following, the council shall make adequate provision for the payment of such expenditures as may be involved in the request. Payment of expenditures

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. This Act may be cited as *The Fire Departments Amendment Act, 1964.* Short title

An Act to amend
The Fire Departments Act

1st Reading

March 5th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 71

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Fire Departments Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 71 1964

An Act to amend The Fire Departments Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 2 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 2, subs. 7, re-enacted

(7) Notwithstanding this section, where a fire, flood or other disaster occurs that requires the services of every full-time fire fighter, the chief or other officer in charge of the fire department may recall to duty any full-time fire fighter who is not on duty. Recall in emergency

2. Section 4 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 4, re-enacted

4.—(1) A full-time fire fighter shall not be discharged without being given at least seven days notice in writing of the proposed discharge and the reasons therefor, and may, before the expiry of the notice, require a hearing by delivering a notice in writing to that effect to the clerk of the municipality. Discharge

(2) Where a notice requiring a hearing is delivered under subsection 1, the council or a committee thereof shall hold a hearing, and the fire fighter may be represented at the hearing by counsel. Hearing

(3) Where a fire fighter requires a hearing under subsection 2, the discharge shall not take effect before the hearing is disposed of. When discharge effective

3. Subsection 1 of section 5 of *The Fire Departments Act*, as amended by section 3 of *The Fire Departments Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 5, subs. 1, re-enacted

Bargaining

(1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall within sixty days after receipt of the request bargain in good faith with a bargaining committee of the full-time fire fighters, and shall make every reasonable effort to come to an agreement, for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief and the deputy chief of the fire department.

R.S.O. 1960, c. 145, s. 6, subs. 5, amended

4. Subsection 5 of section 6 of *The Fire Departments Act* is amended by striking out "or by the Attorney General" in the second and third lines, so that the subsection shall read as follows:

Extension of periods

(5) Any of the periods mentioned in this section may be extended at any time by agreement of the parties.

R.S.O. 1960, c. 145, s. 7, subs. 5, amended

5.—(1) Subsection 5 of section 7 of *The Fire Departments Act* is amended by striking out "and the arbitrator shall hear and determine the difference or allegation and shall issue a decision and such decision is final and binding upon the parties" in the thirteenth, fourteenth and fifteenth lines and inserting in lieu thereof "and the arbitrator shall commence to hear and determine the difference or allegation within thirty days after his appointment, and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties", so that the subsection shall read as follows:

Single arbitrator

(5) Where a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 5 or of a decision or award of a board of arbitration made under section 6, or where an allegation is made that the agreement or award has been violated, either of the parties may, after exhausting any grievance procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration, and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney General upon the request of either party, and the arbitrator shall commence to hear and determine the difference or allegation within thirty days after his appointment, and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.

(2) The said section 7 is amended by adding thereto the following subsections: R.S.O. 1960, c. 145, s. 7, amended

(6) Each party to an arbitration under subsection 5 shall share equally the cost of the arbitration proceedings and the cost of the arbitrator. Costs

(7) Any of the periods mentioned in subsection 5 may be extended at any time by agreement of the parties. Extension of periods

6. *The Fire Departments Act* is amended by adding thereto the following section: R.S.O. 1960, c. 145, amended

7*a*. *The Arbitrations Act* does not apply to an arbitration under section 6 or 7. R.S.O. 1960, c. 18, not to apply

7. Section 9 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 145, s. 9, re-enacted

9. Where a request in writing is made under subsection 1 of section 5 during a year ending with the 31st day of December and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following, the council shall make adequate provision for the payment of such expenditures as may be involved in the request. Payment of expenditures

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. This Act may be cited as *The Fire Departments Amendment Act, 1964*. Short title

BILL 71

An Act to amend
The Fire Departments Act

1st Reading

March 5th, 1964

2nd Reading

March 11th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 72

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Credit Unions Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

The Superintendent of Insurance is replaced by a Director of Registration and Examinations who will be responsible for administering *The Credit Unions Act, The Collection Agencies Act, The Mortgage Brokers Registration Act* and *The Real Estate and Business Brokers Act.*

Sections 5 and 6 of the Bill authorize the practice in certain cases and under certain controlled conditions whereby members of credit unions may withdraw moneys on deposit by means of negotiable orders.

Section 7 of the Bill relaxes to some degree the provisions of the Act requiring the accumulation of a guarantee fund.

BILL 72 **1964**

An Act to amend The Credit Unions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Credit Unions Act*, as amended by section 1 of *The Credit Unions Amendment Act, 1960-61*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 79, s. 1, amended

(*aa*) "auditor" means a public accountant licensed under *The Public Accountancy Act*; R.S.O. 1960, c. 317

. . . . .

(*ba*) "Director" means the Director of the Registration and Examination Branch of the Department of the Attorney General.

(2) Clause *j* of the said section 1 is repealed. R.S.O. 1960, c. 79, s. 1, cl. *j*, repealed

2. Section 3 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 3, amended

3. Subsection 4 of section 6 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 6, subs. 4, amended

4. Section 10 of *The Credit Unions Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 79, s. 10, re-enacted

10. A corporation that is subject to this Act may, by by-law, provide for the holding, purchasing or leasing in its own name of such real estate as is necessary for its own use and benefit for the transaction of its business and may sell, mortgage or dispose of it, and, with the written consent of the Director, may lease, acquire or construct a building larger than is required for the transaction of its business, and lease any part of the building not so required. Power to hold real estate

R.S.O. 1960, c. 79, amended

5.—(1) *The Credit Unions Act* is amended by adding thereto the following section:

Negotiable orders

27*a*.—(1) Where the combined share capital and the deposits of a credit union exceed $100,000 and it has appointed an auditor under subsection 11 of section 32 and it has an accounting system satisfactory to the Director and its board of directors has authorized the practice, it may, so long only as the Director approves in writing, permit its members to use negotiable orders for the withdrawal of moneys on deposit.

Liquid assets

(2) Any credit union to which the Director has given his approval under subsection 1 shall not make any loan and shall not invest in funds otherwise than in government securities and municipal securities if the aggregate of,

(*a*) its cash on hand or on deposit in chartered banks, the Province of Ontario Savings Office, trust companies, leagues under this Act, or co-operative credit societies subject to the *Co-operative Credit Associations Act* (Canada); and

1952-53, c. 28 (Can.)

(*b*) the face value of its investments in bonds and debentures of or guaranteed by the Government of Canada or any province thereof or by a municipal corporation in Canada, excluding any such investments that are pledged as security for money borrowed by the credit union,

is less than 20 per cent of the amount of money deposited with the credit union that is withdrawable by negotiable order.

Revocation of approval

(3) The Director may at any time revoke any approval given under subsection 1.

Application to existing practices

(2) Notwithstanding subsection 1, a credit union that is permitting its members to use negotiable orders for the withdrawal of moneys on deposit immediately before subsection 1 comes into force may continue the use of such orders until the 1st day of July, 1965.

R.S.O. 1960, c. 79, amended

6. *The Credit Unions Act* is amended by adding thereto the following section:

27b.—(1) No officer or employee of a credit union shall permit any withdrawal of moneys from the deposit or share account of a member unless the amount in such deposit or share account is equal to or in excess of the amount sought to be withdrawn, and any such officer or employee who contravenes this subsection is guilty of an offence under this Act. Overdrafts prohibited

(2) No credit union shall accept any general authorization to transfer moneys from a member's share account or other account to a deposit account from which negotiable orders may be made, but may make such transfers only upon the express authorization of the member in writing given in each case. General authorizations to transfer moneys prohibited

(3) Nothing in this section curtails, abridges, defeats or otherwise affects any remedy for the recovery from a member of any amount withdrawn in excess of the amount standing to his credit in his deposit or share account. Remedies not affected

7.—(1) Subsection 1 of section 28 of *The Credit Unions Act* is amended by adding at the commencement thereof "Subject to subsection 5", so that the subsection shall read as follows: R.S.O. 1960, c. 79, s. 28, subs. 1, amended

(1) Subject to subsection 5, every credit union shall set aside at least 20 per cent of its yearly net profits as a guarantee fund to meet losses, and the fund shall be held as a reserve against uncollectable loans and losses, but, where at the close of any fiscal year the amount set aside for the guarantee fund equals at least 10 per cent of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year. Guarantee fund

(2) The said section 28 is amended by adding thereto the following subsections: R.S.O. 1960, c. 79, s. 28, amended

(5) The directors of a credit union whose combined share capital and deposits exceed $500,000 and whose guarantee fund equals at least 5 per cent of the total amount received from members on deposit and as payment for shares may, with the approval in writing of the Director and with the approval of two-thirds of the members present at an annual or special meeting, direct that no moneys or that a sum less than that required by subsection 1 be set aside for the guarantee fund. Idem

Withdrawal of consent

(6) The Director may at any time revoke or alter any approval given under subsection 5.

R.S.O. 1960, c. 79, s. 35, subs. 2, amended

8. Subsection 2 of section 35 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fourth line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 1, amended

9.—(1) Subsection 1 of section 48 of *The Credit Unions Act*, as amended by section 6 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 2, amended

(2) Subsection 2 of the said section 48 is amended by striking out "Superintendent" in the second line and in the second and third lines and inserting in lieu thereof in each instance "Director".

R.S.O. 1960, c. 79, s. 48, subs. 3, amended

(3) Subsection 3 of the said section 48 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 4, amended

(4) Subsection 4 of the said section 48 is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 5, amended

(5) Subsection 5 of the said section 48 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 50, subs. 3, amended

10.—(1) Subsection 3 of section 50 of *The Credit Unions Act*, as amended by subsection 2 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 50, subs. 4, amended

(2) Subsection 4 of the said section 50, as amended by subsection 3 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 50, subs. 5, amended

(3) Subsection 5 of the said section 50, as amended by subsection 4 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 51, subs. 1, amended

11.—(1) Subsection 1 of section 51 of *The Credit Unions Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

(2) Subsection 2 of the said section 51 is amended by striking out "Superintendent" in the first line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Director". R.S.O. 1960, c. 79, s. 51, subs. 2, amended

(3) Subsection 3 of the said section 51 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 51, subs. 3, amended

12.—(1) Subsection 1 of section 52 of *The Credit Unions Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 52, subs. 1, amended

(2) Subsection 4 of the said section 52 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 52, subs. 4, amended

13.—(1) Subsection 2 of section 54 of *The Credit Unions Act* is amended by striking out "Superintendent" in the eighth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 2, amended

(2) Subsection 3 of the said section 54 is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 3, amended

(3) Subsection 5 of the said section 54 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 5, amended

14. Subsection 4 of section 55 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 55, subs. 4, amended

15. Subsection 6 of section 56 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 56, subs. 6, amended

16.—(1) Subsection 3 of section 57 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 3, amended

(2) Subsection 4 of the said section 57 is amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 4, amended

(3) Subsection 5 of the said section 57 is amended by striking out "Superintendent" in the sixth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 5, amended

R.S.O. 1960, c. 79, s. 57, subs. 7, amended

(4) Subsection 7 of the said section 57 is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director".

Commencement

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. This Act may be cited as *The Credit Unions Amendment Act, 1964.*

An Act to amend The Credit Unions Act

1st Reading

March 5th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 72

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Credit Unions Act

MR. WISHART

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

The Superintendent of Insurance is replaced by a Director of Registration and Examinations who will be responsible for administering *The Credit Unions Act, The Collection Agencies Act, The Mortgage Brokers Registration Act* and *The Real Estate and Business Brokers Act.*

Sections 5 and 6 of the Bill authorize the practice in certain cases and under certain controlled conditions whereby members of credit unions may withdraw moneys on deposit by means of negotiable orders.

Section 7 of the Bill relaxes to some degree the provisions of the Act requiring the accumulation of a guarantee fund.

BILL 72 **1964**

An Act to amend The Credit Unions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Credit Unions Act*, as amended by section 1 of *The Credit Unions Amendment Act, 1960-61*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 79, s. 1, amended

(*aa*) "auditor" means a public accountant licensed under *The Public Accountancy Act*; R.S.O. 1960, c. 317

. . . . . .

(*ba*) "Director" means the Director of the Registration and Examination Branch of the Department of the Attorney General.

(2) Clause *j* of the said section 1 is repealed. R.S.O. 1960, c. 79, s. 1, cl. *j*, repealed

2. Section 3 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 3, amended

3. Subsection 4 of section 6 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 6, subs. 4, amended

4. Section 10 of *The Credit Unions Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 79, s. 10, re-enacted

10. A corporation that is subject to this Act may, by by-law, provide for the holding, purchasing or leasing in its own name of such real estate as is necessary for its own use and benefit for the transaction of its business and may sell, mortgage or dispose of it, and, with the written consent of the Director, may lease, acquire or construct a building larger than is required for the transaction of its business, and lease any part of the building not so required. Power to hold real estate

R.S.O. 1960, c. 79, amended

5.—(1) *The Credit Unions Act* is amended by adding thereto the following section:

Negotiable orders

27*a*.—(1) Where the combined share capital and the deposits of a credit union exceed $100,000 and it has appointed an auditor under subsection 11 of section 32 and it has an accounting system satisfactory to the Director and its board of directors has authorized the practice, it may, so long only as the Director approves in writing, permit its members to use negotiable orders for the withdrawal of moneys on deposit.

Liquid assets

(2) Any credit union to which the Director has given his approval under subsection 1 shall not make any loan and shall not invest in funds otherwise than in government securities and municipal securities if the aggregate of,

(*a*) its cash on hand or on deposit in chartered banks, the Province of Ontario Savings Office, trust companies, leagues under this Act, or co-operative credit societies subject to the *Co-operative Credit Associations Act* (Canada); and

1952-53, c. 28 (Can.)

(*b*) the face value of its investments in bonds and debentures of or guaranteed by the Government of Canada or any province thereof or by a municipal corporation in Canada, excluding any such investments that are pledged as security for money borrowed by the credit union,

is less than 20 per cent of the amount of money deposited with the credit union that is withdrawable by negotiable order.

Revocation of approval

(3) The Director may at any time revoke any approval given under subsection 1.

Application to existing practices

(2) Notwithstanding subsection 1, a credit union that is permitting its members to use negotiable orders for the withdrawal of moneys on deposit immediately before subsection 1 comes into force may continue the use of such orders until the 1st day of July, 1965.

R.S.O. 1960, c. 79, amended

6. *The Credit Unions Act* is amended by adding thereto the following section:

27b.—(1) No officer or employee of a credit union shall permit any withdrawal of moneys from the deposit or share account of a member unless the amount in such deposit or share account is equal to or in excess of the amount sought to be withdrawn, and any such officer or employee who contravenes this subsection is guilty of an offence under this Act. Overdrafts prohibited

(2) No credit union shall accept any general authorization to transfer moneys from a member's share account or other account to a deposit account from which withdrawals by negotiable orders may be made, but may make such transfers only upon the express authorization of the member in writing given in each case. General authorizations to transfer moneys prohibited

(3) Nothing in this section curtails, abridges, defeats or otherwise affects any remedy for the recovery from a member of any amount withdrawn in excess of the amount standing to his credit in his deposit or share account. Remedies not affected

7.—(1) Subsection 1 of section 28 of *The Credit Unions Act* is amended by adding at the commencement thereof "Subject to subsection 5", so that the subsection shall read as follows: R.S.O. 1960, c. 79, s. 28, subs. 1, amended

(1) Subject to subsection 5, every credit union shall set aside at least 20 per cent of its yearly net profits as a guarantee fund to meet losses, and the fund shall be held as a reserve against uncollectable loans and losses, but, where at the close of any fiscal year the amount set aside for the guarantee fund equals at least 10 per cent of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year. Guarantee fund

(2) The said section 28 is amended by adding thereto the following subsections: R.S.O. 1960, c. 79, s. 28, amended

(5) The directors of a credit union whose combined share capital and deposits exceed $500,000 and whose guarantee fund equals at least 5 per cent of the total amount received from members on deposit and as payment for shares may, with the approval in writing of the Director and with the approval of two-thirds of the members present at an annual or special meeting, direct that no moneys or that a sum less than that required by subsection 1 be set aside for the guarantee fund. Idem

Withdrawal of consent

(6) The Director may at any time revoke or alter any approval given under subsection 5.

R.S.O. 1960, c. 79, s. 35, subs. 2, amended

8. Subsection 2 of section 35 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fourth line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 1, amended

9.—(1) Subsection 1 of section 48 of *The Credit Unions Act*, as amended by section 6 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 2, amended

(2) Subsection 2 of the said section 48 is amended by striking out "Superintendent" in the second line and in the second and third lines and inserting in lieu thereof in each instance "Director".

R.S.O. 1960, c. 79, s. 48, subs. 3, amended

(3) Subsection 3 of the said section 48 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 4, amended

(4) Subsection 4 of the said section 48 is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 5, amended

(5) Subsection 5 of the said section 48 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 50, subs. 3, amended

10.—(1) Subsection 3 of section 50 of *The Credit Unions Act*, as amended by subsection 2 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 50, subs. 4, amended

(2) Subsection 4 of the said section 50, as amended by subsection 3 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 50, subs. 5, amended

(3) Subsection 5 of the said section 50, as amended by subsection 4 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 51, subs. 1, amended

11.—(1) Subsection 1 of section 51 of *The Credit Unions Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

(2) Subsection 2 of the said section 51 is amended by striking out "Superintendent" in the first line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Director". R.S.O. 1960, c. 79, s. 51, subs. 2, amended

(3) Subsection 3 of the said section 51 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 51, subs. 3, amended

12.—(1) Subsection 1 of section 52 of *The Credit Unions Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 52, subs. 1, amended

(2) Subsection 4 of the said section 52 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 52, subs. 4, amended

13.—(1) Subsection 2 of section 54 of *The Credit Unions Act* is amended by striking out "Superintendent" in the eighth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 2, amended

(2) Subsection 3 of the said section 54 is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 3, amended

(3) Subsection 5 of the said section 54 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 5, amended

14. Subsection 4 of section 55 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 55, subs. 4, amended

15. Subsection 6 of section 56 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 56, subs. 6, amended

16.—(1) Subsection 3 of section 57 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 3, amended

(2) Subsection 4 of the said section 57 is amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 4, amended

(3) Subsection 5 of the said section 57 is amended by striking out "Superintendent" in the sixth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 5, amended

R.S.O. 1960, c. 79, s. 57, subs. 7, amended

(4) Subsection 7 of the said section 57 is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director".

Commencement

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. This Act may be cited as *The Credit Unions Amendment Act, 1964.*

An Act to amend The Credit Unions Act

1st Reading

March 5th, 1964

2nd Reading

March 16th, 1964

3rd Reading

MR. WISHART

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

1964

BILL 72

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Credit Unions Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 72 **1964**

An Act to amend The Credit Unions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Credit Unions Act*, as amended by section 1 of *The Credit Unions Amendment Act, 1960-61*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 79, s. 1, amended

(*aa*) "auditor" means a public accountant licensed under *The Public Accountancy Act*; R.S.O. 1960, c. 317

. . . . .

(*ba*) "Director" means the Director of the Registration and Examination Branch of the Department of the Attorney General.

(2) Clause *j* of the said section 1 is repealed. R.S.O. 1960, c. 79, s. 1, cl. *j*, repealed

2. Section 3 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 3, amended

3. Subsection 4 of section 6 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 6, subs. 4, amended

4. Section 10 of *The Credit Unions Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 79, s. 10, re-enacted

10. A corporation that is subject to this Act may, by by-law, provide for the holding, purchasing or leasing in its own name of such real estate as is necessary for its own use and benefit for the transaction of its business and may sell, mortgage or dispose of it, and, with the written consent of the Director, may lease, acquire or construct a building larger than is required for the transaction of its business, and lease any part of the building not so required. Power to hold real estate

R.S.O. 1960, c. 79, amended

5.—(1) *The Credit Unions Act* is amended by adding thereto the following section:

Negotiable orders

27*a*.—(1) Where the combined share capital and the deposits of a credit union exceed $100,000 and it has appointed an auditor under subsection 11 of section 32 and it has an accounting system satisfactory to the Director and its board of directors has authorized the practice, it may, so long only as the Director approves in writing, permit its members to use negotiable orders for the withdrawal of moneys on deposit.

Liquid assets

(2) Any credit union to which the Director has given his approval under subsection 1 shall not make any loan and shall not invest in funds otherwise than in government securities and municipal securities if the aggregate of,

(*a*) its cash on hand or on deposit in chartered banks, the Province of Ontario Savings Office, trust companies, leagues under this Act, or co-operative credit societies subject to the *Co-operative Credit Associations Act* (Canada); and

1952-53, c. 28 (Can.)

(*b*) the face value of its investments in bonds and debentures of or guaranteed by the Government of Canada or any province thereof or by a municipal corporation in Canada, excluding any such investments that are pledged as security for money borrowed by the credit union,

is less than 20 per cent of the amount of money deposited with the credit union that is withdrawable by negotiable order.

Revocation of approval

(3) The Director may at any time revoke any approval given under subsection 1.

Application to existing practices

(2) Notwithstanding subsection 1, a credit union that is permitting its members to use negotiable orders for the withdrawal of moneys on deposit immediately before subsection 1 comes into force may continue the use of such orders until the 1st day of July, 1965.

R.S.O. 1960, c. 79, amended

6. *The Credit Unions Act* is amended by adding thereto the following section:

27b.—(1) No officer or employee of a credit union shall permit any withdrawal of moneys from the deposit or share account of a member unless the amount in such deposit or share account is equal to or in excess of the amount sought to be withdrawn, and any such officer or employee who contravenes this subsection is guilty of an offence under this Act. Overdrafts prohibited

(2) No credit union shall accept any general authorization to transfer moneys from a member's share account or other account to a deposit account from which withdrawals by negotiable orders may be made, but may make such transfers only upon the express authorization of the member in writing given in each case. General authorizations to transfer moneys prohibited

(3) Nothing in this section curtails, abridges, defeats or otherwise affects any remedy for the recovery from a member of any amount withdrawn in excess of the amount standing to his credit in his deposit or share account. Remedies not affected

7.—(1) Subsection 1 of section 28 of *The Credit Unions Act* is amended by adding at the commencement thereof "Subject to subsection 5", so that the subsection shall read as follows: R.S.O. 1960, c. 79, s. 28, subs. 1, amended

(1) Subject to subsection 5, every credit union shall set aside at least 20 per cent of its yearly net profits as a guarantee fund to meet losses, and the fund shall be held as a reserve against uncollectable loans and losses, but, where at the close of any fiscal year the amount set aside for the guarantee fund equals at least 10 per cent of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year. Guarantee fund

(2) The said section 28 is amended by adding thereto the following subsections: R.S.O. 1960, c. 79, s. 28, amended

(5) The directors of a credit union whose combined share capital and deposits exceed $500,000 and whose guarantee fund equals at least 5 per cent of the total amount received from members on deposit and as payment for shares may, with the approval in writing of the Director and with the approval of two-thirds of the members present at an annual or special meeting, direct that no moneys or that a sum less than that required by subsection 1 be set aside for the guarantee fund. Idem

Withdrawal of consent

(6) The Director may at any time revoke or alter any approval given under subsection 5.

R.S.O. 1960, c. 79, s. 35, subs. 2, amended

8. Subsection 2 of section 35 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fourth line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 1, amended

9.—(1) Subsection 1 of section 48 of *The Credit Unions Act*, as amended by section 6 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 2, amended

(2) Subsection 2 of the said section 48 is amended by striking out "Superintendent" in the second line and in the second and third lines and inserting in lieu thereof in each instance "Director".

R.S.O. 1960, c. 79, s. 48, subs. 3, amended

(3) Subsection 3 of the said section 48 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 4, amended

(4) Subsection 4 of the said section 48 is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 48, subs. 5, amended

(5) Subsection 5 of the said section 48 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 50, subs. 3, amended

10.—(1) Subsection 3 of section 50 of *The Credit Unions Act*, as amended by subsection 2 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 50, subs. 4, amended

(2) Subsection 4 of the said section 50, as amended by subsection 3 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 50, subs. 5, amended

(3) Subsection 5 of the said section 50, as amended by subsection 4 of section 8 of *The Credit Unions Amendment Act, 1960-61*, is further amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director".

R.S.O. 1960, c. 79, s. 51, subs. 1, amended

11.—(1) Subsection 1 of section 51 of *The Credit Unions Act* is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director".

(2) Subsection 2 of the said section 51 is amended by striking out "Superintendent" in the first line and in the eighth and ninth lines and inserting in lieu thereof in each instance "Director". R.S.O. 1960, c. 79, s. 51, subs. 2, amended

(3) Subsection 3 of the said section 51 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 51, subs. 3, amended

12.—(1) Subsection 1 of section 52 of *The Credit Unions Act* is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 52, subs. 1, amended

(2) Subsection 4 of the said section 52 is amended by striking out "Superintendent" in the first line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 52, subs. 4, amended

13.—(1) Subsection 2 of section 54 of *The Credit Unions Act* is amended by striking out "Superintendent" in the eighth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 2, amended

(2) Subsection 3 of the said section 54 is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 3, amended

(3) Subsection 5 of the said section 54 is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 54, subs. 5, amended

14. Subsection 4 of section 55 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 55, subs. 4, amended

15. Subsection 6 of section 56 of *The Credit Unions Act* is amended by striking out "Superintendent" in the third line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 56, subs. 6, amended

16.—(1) Subsection 3 of section 57 of *The Credit Unions Act* is amended by striking out "Superintendent" in the fifth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 3, amended

(2) Subsection 4 of the said section 57 is amended by striking out "Superintendent" in the first and second lines and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 4, amended

(3) Subsection 5 of the said section 57 is amended by striking out "Superintendent" in the sixth line and inserting in lieu thereof "Director". R.S.O. 1960, c. 79, s. 57, subs. 5, amended

R.S.O. 1960, c. 79, s. 57, subs. 7, amended

(4) Subsection 7 of the said section 57 is amended by striking out "Superintendent" in the second line and inserting in lieu thereof "Director".

Commencement

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. This Act may be cited as *The Credit Unions Amendment Act, 1964.*

An Act to amend The Credit Unions Act

1st Reading

March 5th, 1964

2nd Reading

March 16th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 73

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Conveyancing and Law of Property Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Government of the United Kingdom proposes to introduce into the Parliament at Westminster a Bill to repeal a number of very old and obsolete statutes. Certain provisions of two of these Acts were made applicable to land in what is now Ontario. One of the effects of their repeal will be to create doubts as to some very old principles of land tenure in Ontario.

The purpose of this Bill is to avoid the possibility of problems arising in this field by continuing the law in Ontario as it is, unchanged by the repeal of the English Acts.

BILL 73 **1964**

An Act to amend The Conveyancing and Law of Property Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conveyancing and Law of Property Act* is amended by adding thereto the following section: R.S.O. 1960, c. 66, amended

1*a*. Section 43 of *The Clergy Endowments (Canada) Act, 1791* (Imperial) and sections 31 and 32 of *The British North America (Trade and Lands) Act, 1822* (Imperial), as they applied in Ontario on the day before the day on which they were repealed, continue in effect in Ontario in the same manner and to the same extent as if they had been expressly enacted as part of this Act and had not been repealed. 31 Geo. 3 (Imp.), c. 31, s. 43; 3 Geo. 4 (Imp.), c. 119, s.s. 31, 32, continue to apply

2. This Act comes into force on the day on which the repeal of the provisions mentioned in section 1 becomes effective. Commencement

3. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1964.* Short title

An Act to amend The Conveyancing and Law of Property Act

1st Reading

March 5th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 73

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend
The Conveyancing and Law of Property Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 73 **1964**

An Act to amend The Conveyancing and Law of Property Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conveyancing and Law of Property Act* is amended by adding thereto the following section: R.S.O. 1960, c. 66, amended

1*a*. Section 43 of *The Clergy Endowments (Canada) Act, 1791* (Imperial) and sections 31 and 32 of *The British North America (Trade and Lands) Act, 1822* (Imperial), as they applied in Ontario on the day before the day on which they were repealed, continue in effect in Ontario in the same manner and to the same extent as if they had been expressly enacted as part of this Act and had not been repealed. Free and common socage, fief, seignory, etc. 31 Geo. 3 (Imp.), c. 31, s. 43; 3 Geo. 4 (Imp.), c. 119, ss. 31, 32, continue to apply

2. This Act comes into force on the day on which the repeal of the provisions mentioned in section 1 becomes effective. Commencement

3. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1964.* Short title

An Act to amend The Conveyancing and Law of Property Act

1st Reading

March 5th, 1964

2nd Reading

March 11th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 74

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Commissioners for taking Affidavits Act

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The number of municipal officials designated as *ex officio* commissioners for taking affidavits is increased.

Section 2—Subsection 1. Certain officials of corporations will be granted commissions upon application.

BILL 74 1964

An Act to amend The Commissioners for taking Affidavits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Commissioners for taking Affidavits Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 59, s. 2, subs. 3, re-enacted

(3) The clerk, deputy clerk and treasurer of every municipality are *ex officio* commissioners for taking affidavits, Municipal clerks and treasurers

(*a*) in the case of a county, in the county; or

(*b*) in the case of a municipality other than a county, in the county in which the municipality is situate.

(3*a*) In every local municipality having a population of 100,000 or more, the administrative head of any department responsible for building standards, welfare, assessment or planning and his deputy and the medical officer of health are *ex officio* commissioners for taking affidavits in the county in which the municipality is situate for the purposes of the affairs of the municipality. Heads of departments, etc.

2.—(1) Section 6 of *The Commissioners for taking Affidavits Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 59, s. 6, amended

(1*a*) Upon application therefor and payment of the prescribed fee, Appointment of officials of corporations

(*a*) the secretary and treasurer of each corporation with share capital or incorporated under Part V of *The Corporations Act* that has its head office in Ontario; and R.S.O. 1960, c. 71

(*b*) the principal officer in each branch office in Ontario of a corporation with share capital or incorporated under Part V of *The Corporations* Act,

may be appointed commissioners for taking affidavits in Ontario for the purposes of the affairs of the corporation.

R.S.O. 1960, c. 59, s. 6, subs. 4, repealed

(2) Subsection 4 of the said section 6 is repealed.

R.S.O. 1960, c. 59, amended

3. *The Commissioners for taking Affidavits Act* is amended by adding thereto the following section:

Limitations to be stated

6*a*. Every commissioner whose commission is limited in its duration or as to territory or purpose shall indicate the limitation by means of a stamp approved by the Inspector of Legal Offices affixed under his signature.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1964.*

Subsection 2. - The contents of the repealed provision are included in the new section 6*a* added by section 3 of the Bill.

SECTION 3. Commissioners whose powers are limited are required to indicate the limitation under their signatures.

An Act to amend The Commissioners for taking Affidavits Act

1st Reading

March 5th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 74

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Commissioners for taking Affidavits Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 74 1964

An Act to amend The Commissioners for taking Affidavits Act

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1. Subsection 3 of section 2 of *The Commissioners for taking Affidavits Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 59, s. 2, subs. 3, re-enacted

(3) The clerk, deputy clerk and treasurer of every municipality are *ex officio* commissioners for taking affidavits. Municipal clerks and treasurers

(*a*) in the case of a county, in the county; or

(*b*) in the case of a municipality other than a county, in the county in which the municipality is situate.

(3*a*) In every local municipality having a population of 100,000 or more, the administrative head of any department responsible for building standards, welfare, assessment or planning and his deputy and the medical officer of health are *ex officio* commissioners for taking affidavits in the county in which the municipality is situate for the purposes of the affairs of the municipality. Heads of departments, etc.

2.—(1) Section 6 of *The Commissioners for taking Affidavits Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 59, s. 6, amended

(1*a*) Upon application therefor and payment of the prescribed fee, Appointment of officials of corporations

(*a*) the secretary and treasurer of each corporation with share capital or incorporated under Part V of *The Corporations Act* that has its head office in Ontario; and R.S.O. 1960, c. 71

(*b*) the principal officer in each branch office in Ontario of a corporation with share capital or incorporated under Part V of *The Corporations* Act,

may be appointed commissioners for taking affidavits in Ontario for the purposes of the affairs of the corporation.

R.S.O. 1960, c. 59, s. 6, subs. 4, repealed

(2) Subsection 4 of the said section 6 is repealed.

R.S.O. 1960, c. 59, amended

3. *The Commissioners for taking Affidavits Act* is amended by adding thereto the following section:

Limitations to be stated

6*a*. Every commissioner whose commission is limited in its duration or as to territory or purpose shall indicate the limitation by means of a stamp approved by the Inspector of Legal Offices affixed under his signature.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1964.*

An Act to amend The Commissioners for taking Affidavits Act

1st Reading

March 5th, 1964

2nd Reading

March 17th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 75

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to establish the Ontario Law Reform Commission

MR. CASS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill provides for the establishment of a law reform commission with functions as set out in section 2.

BILL 75 **1964**

An Act to establish the Ontario Law Reform Commission

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) A commission to be known as the "Ontario Law Reform Commission" is hereby constituted. Ontario Law Reform Commission established

(2) The Commission shall be composed of three or more members appointed by the Lieutenant Governor in Council. Composition

(3) The Lieutenant Governor in Council may designate one of the members as chairman. Chairman

(4) The Lieutenant Governor in Council may fix the remuneration of the members of the Commission. Remuneration

(5) The Commission may engage a secretary and such other persons as are deemed necessary and provide for the payment of their remuneration and expenses out of such moneys as are appropriated therefor by the Legislature. Employees

2.—(1) It is the function of the Commission to inquire into and consider any matter relating to, Functions

(*a*) reform of the law having regard to the statute law, the common law and judicial decisions;

(*b*) the administration of justice;

(*c*) judicial and quasi-judicial procedures under any Act; or

(*d*) any subject referred to it by the Attorney General.

(2) The Commission may institute and direct legal research for the purpose of carrying out its functions. Research

Report

(3) The Commission shall report from time to time to the Attorney General.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Law Reform Commission Act, 1964.*

An Act to establish
the Ontario Law Reform Commission

1st Reading

March 5th, 1964

2nd Reading

3rd Reading

MR. CASS

1964

BILL 75

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to establish the Ontario Law Reform Commission

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill provides for the establishment of a law reform commission with functions as set out in section 2.

BILL 75 **1964**

An Act to establish the Ontario Law Reform Commission

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) A commission to be known as the "Ontario Law Reform Commission" is hereby constituted. Ontario Law Reform Commission established

(2) The Commission shall be composed of three or more members appointed by the Lieutenant Governor in Council. Composition

(3) The Lieutenant Governor in Council may designate one of the members as chairman. Chairman

(4) The Lieutenant Governor in Council may fix the remuneration of the members of the Commission. Remuneration

(5) The Commission may engage a secretary and such other persons as are deemed necessary and provide for the payment of their remuneration and expenses out of such moneys as are appropriated therefor by the Legislature. Employees

2.—(1) It is the function of the Commission to inquire into and consider any matter relating to, Functions

(*a*) reform of the law having regard to the statute law, the common law and judicial decisions;

(*b*) the administration of justice;

(*c*) judicial and quasi-judicial procedures under any Act; or

(*d*) any subject referred to it by the Attorney General.

(2) The Commission may institute and direct legal research for the purpose of carrying out its functions. Research

Report

(3) The Commission shall report from time to time to the Attorney General.

Expenses of administration

3. The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1965, and thereafter out of such moneys as are appropriated therefor by the Legislature.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Law Reform Commission Act, 1964.*

An Act to establish
the Ontario Law Reform Commission

1st Reading

March 5th, 1964

2nd Reading

March 11th, 1964

3rd Reading

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

1964

BILL 75

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to establish the Ontario Law Reform Commission

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 75 **1964**

An Act to establish the Ontario Law Reform Commission

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) A commission to be known as the "Ontario Law Reform Commission" is hereby constituted. Ontario Law Reform Commission established

(2) The Commission shall be composed of three or more members appointed by the Lieutenant Governor in Council. Composition

(3) The Lieutenant Governor in Council may designate one of the members as chairman. Chairman

(4) The Lieutenant Governor in Council may fix the remuneration of the members of the Commission. Remuneration

(5) The Commission may engage a secretary and such other persons as are deemed necessary and provide for the payment of their remuneration and expenses out of such moneys as are appropriated therefor by the Legislature. Employees

2.—(1) It is the function of the Commission to inquire into and consider any matter relating to, Functions

(*a*) reform of the law having regard to the statute law, the common law and judicial decisions;

(*b*) the administration of justice;

(*c*) judicial and quasi-judicial procedures under any Act; or

(*d*) any subject referred to it by the Attorney General.

(2) The Commission may institute and direct legal research for the purpose of carrying out its functions. Research

Report

(3) The Commission shall report from time to time to the Attorney General.

Expenses of administration

3. The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund until the 31st day of March, 1965, and thereafter out of such moneys as are appropriated therefor by the Legislature.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Law Reform Commission Act, 1964.*

An Act to establish
the Ontario Law Reform Commission

1st Reading

March 5th, 1964

2nd Reading

March 11th, 1964

3rd Reading

May 7th, 1964

MR. WISHART

1964

BILL 76

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Workmen's Compensation Act

MR. ROWNTREE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

This Bill contains the following principles:

1. Provision is made for the coverage of the Act to extend to common law wives if they have,

(*a*) cohabited with the deceased workman for six years prior to his death; or

(*b*) cohabited with the deceased workman for two years prior to his death and have borne him one or more children.

See section 1 (1) and (3) and section 7 of the Bill.

2. Provision is made to give the Board the same power with respect to Schedule 2 employees as it now has with respect to Schedule 1 employees regarding commutation of pensions. See section 3 of the Bill.

3. Provision is made so that a workman who has suffered a permanent disability due to a prior industrial accident and who later becomes entitled to further payments of temporary compensation by reason of any matter arising out of the original accident shall be paid on a current wage basis if it is higher than the wage basis in effect at the time of the original accident. See section 5 of the Bill.

4. Provision is made for a minimum weekly payment of $30 for temporary total disability and for a minimum monthly payment of $130 for permanent total disability. See section 6 of the Bill.

5. Provision is made to allow the Board, with the approval of the Lieutenant Governor in Council, to increase its expenditure with respect to its rehabilitation work beyond the present $200,000 ceiling. See section 8 of the Bill.

6. The Act at present has provision for a merit-rating system for the benefit of those employers who keep their accident costs at a minimum and who conduct their operations in the safest way possible. Provision is now made for a demerit system to penalize those employers whose accident costs and frequencies are consistently higher than average. See section 9 of the Bill.

7. The section of the Act dealing with safety education is strengthened and clarified.

BILL 76 **1964**

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 437, s. 1, subs. 1, amended

(*ca*) "common law wife" means a woman who, although not legally married to a man, cohabits with him and is recognized as his wife in the community in which they live;

. . . . .

(*ea*) "dependent widow" means the woman who was the legal wife and a dependant of a workman immediately before his death.

(2) Clause *m* of subsection 1 of the said section 1 is amended by inserting after "packing" in the second and third lines "packaging, inspecting, testing" and by inserting after "commodity" in the fourth line "or raw material", so that the clause shall read as follows: R.S.O. 1960, c. 437, s. 1, subs. 1, cl. *m*, amended

(*m*) "manufacturing" includes making, preparing, altering, repairing, ornamenting, printing, finishing, packing, packaging, inspecting, testing, assembling the parts of and adapting for use or sale any article or commodity or raw material.

(3) Clause *o* of subsection 1 of the said section 1 is amended by adding at the end thereof "and includes a common law wife", so that the clause shall read as follows: R.S.O. 1960, c. 437, s. 1, subs. 1, cl. *o*, amended

(*o*) "member of the family" means a wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother and half-sister, and a person who stood *in loco parentis* to the workman or to whom the workman stood *in loco parentis*, whether related to him by consanguinity or not so related, and, where the workman is the parent or grandparent of an illegitimate child, includes such child, and, where the workman is an illegitimate child, includes his parents and grandparents, and includes a common law wife.

R.S.O. 1960, c. 437, s. 1, subs. 3, amended

(4) Subsection 3 of the said section 1, as amended by subsection 3 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "and shall state the average earnings of" in the ninth and tenth lines and inserting in lieu thereof "and shall select such amount of coverage for", so that the subsection shall read as follows:

Volunteer fire brigades

(3) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 2 shall be deemed to be the employer of a member of a municipal volunteer fire brigade, and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board, and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than $2,000 or more than $6,000 per annum.

R.S.O. 1960, c. 437, s. 3, subs. 1, cl. *a*, amended

2. Clause *a* of subsection 1 of section 3 of *The Workmen's Compensation Act*, as amended by section 2 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by inserting after "three" in the amendment of 1962-63 "calendar", so that the clause shall read as follows:

(*a*) does not disable the workman for a period of at least three calendar days from earning full wages at the work at which he was employed; or

. . . . .

R.S.O. 1960, c. 437, s. 27, subs. 1, re-enacted

3. Subsection 1 of section 27 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

(1) Where the compensation is payable by an employer individually or out of the accident fund, the Board may commute the weekly or other periodical payments payable to a workman or dependant for a lump sum, and may charge the same to the employer or to the accident fund, as the case may be. Commutation of payments

4.—(1) Section 37 of *The Workmen's Compensation Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 437, s. 37, amended

(1*a*) Where a workman has had for the entire period of six years immediately preceding his death a common law wife or where a workman has had during the entire period of two years immediately preceding his death a common law wife by whom he has had one or more children, and leaves no dependent widow, the compensation to which a dependent widow would have been entitled under this Part may, in the discretion of the Board, be paid to the common law wife until such time as she marries. Common law wife

(1*b*) A dependent common law wife receiving compensation under this section may not be paid compensation for acting or claiming to act as a foster-mother to the children of the deceased workman. Idem

(2) Subsection 2 of the said section 37 is amended by striking out "but in no case beyond the age of eighteen years unless the child in respect of whom compensation is being paid is attending school and reaches the age of eighteen years during the school year, in which case compensation may be continued until the conclusion of the school year", in the sixth to the eleventh lines, so that the subsection shall read as follows: R.S.O. 1960, c. 437, s. 37 subs. 2, amended

(2) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education. Further education

5. *The Workmen's Compensation Act* is amended by adding thereto the following section: R.S.O. 1960, c. 437, amended

40*a*. Where a workman, who has been awarded or who at any time in the future is awarded compensation for permanent disability and has returned to employ- Temporary disability subsequent to permanent disability

ment, becomes entitled to payment for temporary disability by reason of any matter arising out of the original accident, the compensation payable for such temporary disability shall be paid on either the average weekly earnings at the date of the accident or the average weekly earnings at the date of recurrence of the disability, calculated in the manner set out in section 40, whichever is the greater.

R.S.O. 1960, c. 437, s. 43, re-enacted

6. Section 43 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Minimum amount of compensation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than,

(*a*) for temporary total disability,

(i) where his average earnings are not less than $30 a week, $30 a week, and

(ii) where his average earnings are less than $30 a week, the amount of such earnings,

and, for temporary partial or permanent partial disability, a corresponding amount in proportion to the impairment of earning capacity; and

(*b*) for permanent total disability where the workman is unable to engage in any gainful occupation,

(i) where his average earnings are not less than $130 a month, $130, and

(ii) where his average earnings are less than $130 a month, the amount of such earnings.

R.S.O. 1960, c. 437, s. 48, amended

7. Section 48 of *The Workmen's Compensation Act* is amended by inserting after "widow" in the first line and in the fifth line "or common law wife", so that the section shall read as follows:

Discontinuation, suspension, etc., of compensation

48. Where it is found that the widow or common law wife to whom compensation has been awarded is a common prostitute or is openly living with any man in the relation of man and wife without being married

to him, the Board may discontinue or suspend compensation to such widow or common law wife or divert such compensation in whole or in part to or for the benefit of any other dependant or dependants of the deceased workman.

8. Section 53 of *The Workmen's Compensation Act* is amended by adding at the end thereof "or such greater amount as may be authorized by the Lieutenant Governor in Council", so that the section shall read as follows: R.S.O. 1960, c. 437, s. 53, amended

53. To aid in getting injured workmen back to work and to assist in lessening or removing any handicap resulting from their injuries, the Board may take such measures and make such expenditures as it may deem necessary or expedient, and the expense thereof shall be borne, in Schedule 1 cases, out of the accident fund and, in Schedule 2 cases, by the employer individually, and may be collected in the same manner as compensation or expenses of administration; provided that the total expenditure under this section shall not exceed $200,000 in any calendar year or such greater amount as may be authorized by the Lieutenant Governor in Council. Aid to injured workman

9. Section 86 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 437, s. 86, amended

(6*a*) Where the work injury frequency and the accident cost of the employer are consistently higher than that of the average in the industry in which he is engaged, the Board, as provided by the regulations, may increase the assessment for that employer by such a percentage thereof as the Board may deem just, and may assess and levy the same upon the employer. Demerit system

10.—(1) Subsection 1 of section 117 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 437, s. 117, subs. 1, re-enacted

(1) The employers in any of the classes for the time being included in Schedule 1 may, with the approval and under the control of the Board, form themselves into an association for the purpose of education in accident prevention. Accident prevention associations

(2) Subsection 2 of the said section 117 is amended by striking out "such rules" in the third line and inserting in lieu thereof "rules of operation", so that the subsection shall read as follows: R.S.O. 1960, c. 437, s. 117, subs. 2, amended

Rules of operation

(2) If the Board is of opinion that an association so formed sufficiently represents the employers in the industries included in the class, the Board may approve rules of operation, and, when approved by the Board and by the Lieutenant Governor in Council, they are binding on all the employers in industries included in the class.

R.S.O. 1960, c. 437, s. 117, subs. 3, amended

(3) Subsection 3 of the said section 117 is amended by inserting after "rules" in the first line "of operation" and by inserting after "of" in the second line "education in", so that the subsection shall read as follows:

Inspectors

(3) Where an association under the authority of its rules of operation appoints an inspector or an expert for the purpose of education in accident prevention, the Board may pay the whole or any part of the salary or remuneration of such inspector or expert out of the accident fund or out of that part of it that is at the credit of any one or more of the classes as the Board may deem just.

Commencement

11. This Act comes into force on the 1st day of July, 1964.

Short title

12. This Act may be cited as *The Workmen's Compensation Amendment Act, 1964.*

An Act to amend
The Workmen's Compensation Act

1st Reading

March 6th, 1964

2nd Reading

3rd Reading

MR. ROWNTREE

1964

BILL 76

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Workmen's Compensation Act

MR. ROWNTREE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 76 **1964**

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 437, s. 1, subs. 1, amended

(*ca*) "common law wife" means a woman who, although not legally married to a man, cohabits with him and is recognized as his wife in the community in which they live;

. . . . .

(*ea*) "dependent widow" means the woman who was the legal wife and a dependant of a workman immediately before his death.

(2) Clause *m* of subsection 1 of the said section 1 is amended by inserting after "packing" in the second and third lines "packaging, inspecting, testing" and by inserting after "commodity" in the fourth line "or raw material", so that the clause shall read as follows: R.S.O. 1960, c. 437, s. 1, subs. 1, cl. *m*, amended

(*m*) "manufacturing" includes making, preparing, altering, repairing, ornamenting, printing, finishing, packing, packaging, inspecting, testing, assembling the parts of and adapting for use or sale any article or commodity or raw material.

(3) Clause *o* of subsection 1 of the said section 1 is amended by adding at the end thereof "and includes a common law wife", so that the clause shall read as follows: R.S.O. 1960, c. 437, s. 1, subs. 1, cl. *o*, amended

(*o*) "member of the family" means a wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother and half-sister, and a person who stood *in loco parentis* to the workman or to whom the workman stood *in loco parentis*, whether related to him by consanguinity or not so related, and, where the workman is the parent or grandparent of an illegitimate child, includes such child, and, where the workman is an illegitimate child, includes his parents and grandparents, and includes a common law wife.

R.S.O. 1960, c. 437, s. 1, subs. 3, amended

(4) Subsection 3 of the said section 1, as amended by subsection 3 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "and shall state the average earnings of" in the ninth and tenth lines and inserting in lieu thereof "and shall select such amount of coverage for", so that the subsection shall read as follows:

Volunteer fire brigades

(3) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 2 shall be deemed to be the employer of a member of a municipal volunteer fire brigade, and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board, and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than $2,000 or more than $6,000 per annum.

R.S.O. 1960, c. 437, s. 3, subs. 1, cl. *a*, amended

2. Clause *a* of subsection 1 of section 3 of *The Workmen's Compensation Act*, as amended by section 2 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by inserting after "three" in the amendment of 1962-63 "calendar", so that the clause shall read as follows:

(*a*) does not disable the workman for a period of at least three calendar days from earning full wages at the work at which he was employed; or

. . . . .

R.S.O. 1960, c. 437, s. 27, subs. 1, re-enacted

3. Subsection 1 of section 27 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

(1) Where the compensation is payable by an employer individually or out of the accident fund, the Board may commute the weekly or other periodical payments payable to a workman or dependant for a lump sum, and may charge the same to the employer or to the accident fund, as the case may be. Commutation of payments

4.—(1) Section 37 of *The Workmen's Compensation Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 437, s. 37, amended

(1*a*) Where a workman has had for the entire period of six years immediately preceding his death a common law wife or where a workman has had during the entire period of two years immediately preceding his death a common law wife by whom he has had one or more children, and leaves no dependent widow, the compensation to which a dependent widow would have been entitled under this Part may, in the discretion of the Board, be paid to the common law wife until such time as she marries. Common law wife

(1*b*) A dependent common law wife receiving compensation under this section may not be paid compensation for acting or claiming to act as a foster-mother to the children of the deceased workman. Idem

(2) Subsection 2 of the said section 37 is amended by striking out "but in no case beyond the age of eighteen years unless the child in respect of whom compensation is being paid is attending school and reaches the age of eighteen years during the school year, in which case compensation may be continued until the conclusion of the school year", in the sixth to the eleventh lines, so that the subsection shall read as follows: R.S.O. 1960, c. 437, s. 37, subs. 2, amended

(2) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education. Further education

5. *The Workmen's Compensation Act* is amended by adding thereto the following section: R.S.O. 1960, c. 437, amended

40*a*. Where a workman, who has been awarded or who at any time in the future is awarded compensation for permanent disability and has returned to employ- Temporary disability subsequent to permanent disability

ment, becomes entitled to payment for temporary disability by reason of any matter arising out of the original accident, the compensation payable for such temporary disability shall be paid on either the average weekly earnings at the date of the accident or the average weekly earnings at the date of recurrence of the disability, calculated in the manner set out in section 40, whichever is the greater.

R.S.O. 1960, c. 437, s. 43, re-enacted

6. Section 43 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Minimum amount of compensation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than,

(*a*) for temporary total disability,

(i) where his average earnings are not less than $30 a week, $30 a week, and

(ii) where his average earnings are less than $30 a week, the amount of such earnings,

and, for temporary partial or permanent partial disability, a corresponding amount in proportion to the impairment of earning capacity; and

(*b*) for permanent total disability where the workman is unable to engage in any gainful occupation,

(i) where his average earnings are not less than $130 a month, $130, and

(ii) where his average earnings are less than $130 a month, the amount of such earnings.

R.S.O. 1960, c. 437, s. 48, amended

7. Section 48 of *The Workmen's Compensation Act* is amended by inserting after "widow" in the first line and in the fifth line "or common law wife", so that the section shall read as follows:

Discontinuation, suspension, etc., of compensation

48. Where it is found that the widow or common law wife to whom compensation has been awarded is a common prostitute or is openly living with any man in the relation of man and wife without being married

to him, the Board may discontinue or suspend compensation to such widow or common law wife or divert such compensation in whole or in part to or for the benefit of any other dependant or dependants of the deceased workman.

8. Section 53 of *The Workmen's Compensation Act* is amended by adding at the end thereof "or such greater amount as may be authorized by the Lieutenant Governor in Council", so that the section shall read as follows: R.S.O. 1960, c. 437, s. 53, amended

53. To aid in getting injured workmen back to work and to assist in lessening or removing any handicap resulting from their injuries, the Board may take such measures and make such expenditures as it may deem necessary or expedient, and the expense thereof shall be borne, in Schedule 1 cases, out of the accident fund and, in Schedule 2 cases, by the employer individually, and may be collected in the same manner as compensation or expenses of administration; provided that the total expenditure under this section shall not exceed $200,000 in any calendar year or such greater amount as may be authorized by the Lieutenant Governor in Council. Aid to injured workman

9. Section 86 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 437, s. 86, amended

(6*a*) Where the work injury frequency and the accident cost of the employer are consistently higher than that of the average in the industry in which he is engaged, the Board, as provided by the regulations, may increase the assessment for that employer by such a percentage thereof as the Board may deem just, and may assess and levy the same upon the employer. Demerit system

10.—(1) Subsection 1 of section 117 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 437, s. 117, subs. 1, re-enacted

(1) The employers in any of the classes for the time being included in Schedule 1 may, with the approval and under the control of the Board, form themselves into an association for the purpose of education in accident prevention. Accident prevention associations

(2) Subsection 2 of the said section 117 is amended by striking out "such rules" in the third line and inserting in lieu thereof "rules of operation", so that the subsection shall read as follows: R.S.O. 1960, c. 437, s. 117, subs. 2, amended

Rules of operation

(2) If the Board is of opinion that an association so formed sufficiently represents the employers in the industries included in the class, the Board may approve rules of operation, and, when approved by the Board and by the Lieutenant Governor in Council, they are binding on all the employers in industries included in the class.

R.S.O. 1960, c. 437, s. 117, subs. 3, amended

(3) Subsection 3 of the said section 117 is amended by inserting after "rules" in the first line "of operation" and by inserting after "of" in the second line "education in", so that the subsection shall read as follows:

Inspectors

(3) Where an association under the authority of its rules of operation appoints an inspector or an expert for the purpose of education in accident prevention, the Board may pay the whole or any part of the salary or remuneration of such inspector or expert out of the accident fund or out of that part of it that is at the credit of any one or more of the classes as the Board may deem just.

Commencement

11. This Act comes into force on the 1st day of July, 1964.

Short title

12. This Act may be cited as *The Workmen's Compensation Amendment Act, 1964.*

An Act to amend
The Workmen's Compensation Act

1st Reading

March 6th, 1964

2nd Reading

March 17th, 1964

3rd Reading

May 7th, 1964

MR. ROWNTREE

1964

BILL 77

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Marriage Act

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

At present, a certified copy of the document dissolving or annulling a previous marriage is required to be deposited with the issuer of marriage licences and to be forwarded by him to the Registrar General. The amendment permits the original document to be deposited and forwarded in lieu of a certified copy.

BILL 77 **1964**

An Act to amend The Marriage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 12 of *The Marriage Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 228, s. 12, subs. 1, cl. *a*, re-enacted

(*a*) the final decree or judgment dissolving or annulling the marriage, or of a copy of the final decree or judgment or the Act dissolving or annulling the marriage, certified by the proper officer; and

. . . . .

2. Item 6 of subsection 2 of section 36 of *The Marriage Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 228, s. 36, subs. 2, item 6, re-enacted

6. The decree or judgment dissolving or annulling a marriage or a copy of the decree, judgment or Act dissolving or annulling a marriage, and any other material under section 12.

3. This Act comes into force on the 1st day of July, 1964. Commencement

4. This Act may be cited as *The Marriage Amendment Act, 1964*. Short title

BILL 77

An Act to amend The Marriage Act

1st Reading

March 6th, 1964

2nd Reading

3rd Reading

MR. YAREMKO

1964

BILL 77

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Marriage Act

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 77 **1964**

An Act to amend The Marriage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 12 of *The Marriage Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 228, s. 12, subs. 1, cl. *a*, re-enacted

(*a*) the final decree or judgment dissolving or annulling the marriage, or of a copy of the final decree or judgment or the Act dissolving or annulling the marriage, certified by the proper officer; and

. . . . .

2. Item 6 of subsection 2 of section 36 of *The Marriage Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 228, s. 36, subs. 2, item 6, re-enacted

6. The decree or judgment dissolving or annulling a marriage or a copy of the decree, judgment or Act dissolving or annulling a marriage, and any other material under section 12.

3. This Act comes into force on the 1st day of July, 1964. Commencement

4. This Act may be cited as *The Marriage Amendment Act, 1964*. Short title

BILL 77

An Act to amend The Marriage Act

1st Reading

March 6th, 1964

2nd Reading

March 17th, 1964

3rd Reading

March 25th, 1964

MR. YAREMKO

1964

BILL 78

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Vital Statistics Act

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Whenever it was necessary to change the record of a person's birth because the person was adopted, the change was effected, before 1959, by the registration of the adoption order and by a notation on the birth registration.

In 1959 this system was superseded by a more formal system under which the original registration was set aside and a new registration substituted.

Experience has shown that both systems are necessary in order to have as complete records as possible.

The purpose of this Bill is to authorize the notation system in addition to the re-registration system.

BILL 78 **1964**

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R.S.O. 1960, c. 419, s. 25, subs. 2, amended

1. Subsection 2 of section 25 of *The Vital Statistics Act* is amended by adding at the end thereof "but in every such case, whether or not such an application is made, the Registrar General shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the original registration of the birth of the person, and shall cause a reference to the original registration of the birth to be endorsed on the copy of the order, judgment or decree", so that the subsection shall read as follows:

Change in birth registration

(2) If the birth of the person adopted,

(*a*) was registered in Ontario before the adoption; or

(*b*) is registered in Ontario after the adoption in accordance with this Act,

the Registrar General, upon production of evidence satisfactory to him of the identity of the person together with an application for the registration of the birth in the prescribed form, may by order set aside any registration made pursuant to section 9, 10, 11 or 12 or to this section and cause the substitution of a new registration of the birth in accordance with the facts contained in the adoption order, judgment or decree as if the adopted person had on the date and in the place of birth recorded in the original registration been born in lawful wedlock to the adopting parent, and cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed, but in every

such case, whether or not such an application is made, the Registrar General shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the original registration of the birth of the person, and shall cause a reference to the original registration of the birth to be endorsed on the copy of the order, judgment or decree.

Commencement

2. This Act shall be deemed to have come into force on the 1st day of January, 1959.

Short title

3. This Act may be cited as *The Vital Statistics Amendment Act, 1964.*

An Act to amend The Vital Statistics Act

1st Reading

March 6th, 1964

2nd Reading

3rd Reading

MR. YAREMKO

1964

BILL 78

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Vital Statistics Act

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 78 **1964**

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 25 of *The Vital Statistics Act* is amended by adding at the end thereof "but in every such case, whether or not such an application is made, the Registrar General shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the original registration of the birth of the person, and shall cause a reference to the original registration of the birth to be endorsed on the copy of the order, judgment or decree", so that the subsection shall read as follows: R.S.O. 1960, c. 419, s. 25, subs. 2, amended

(2) If the birth of the person adopted, Change in birth registration

(*a*) was registered in Ontario before the adoption; or

(*b*) is registered in Ontario after the adoption in accordance with this Act,

the Registrar General, upon production of evidence satisfactory to him of the identity of the person together with an application for the registration of the birth in the prescribed form, may by order set aside any registration made pursuant to section 9, 10, 11 or 12 or to this section and cause the substitution of a new registration of the birth in accordance with the facts contained in the adoption order, judgment or decree as if the adopted person had on the date and in the place of birth recorded in the original registration been born in lawful wedlock to the adopting parent, and cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed, but in every

such case, whether or not such an application is made, the Registrar General shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the original registration of the birth of the person, and shall cause a reference to the original registration of the birth to be endorsed on the copy of the order, judgment or decree.

Commencement

2. This Act shall be deemed to have come into force on the 1st day of January, 1959.

Short title

3. This Act may be cited as *The Vital Statistics Amendment Act, 1964.*

An Act to amend The Vital Statistics Act

1st Reading

March 6th, 1964

2nd Reading

March 17th, 1964

3rd Reading

March 25th, 1964

MR. YAREMKO

1964

BILL 79

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Corporations Act

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The subsection added provides for all corporations the same provision as was enacted at the 1962-63 session in respect of insurance companies, and permits the use of the official name in a language other than English.

Section 2. The amendment brings the section in line with generally accepted accounting practice.

Section 3—Subsection 1. Complementary to section 1.

Subsection 2. The amendment permits charitable corporations to give notice of meetings by publication.

BILL 79 **1964**

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960 c. 71, amended

21*a*. Notwithstanding subsection 1 of section 20 and section 21, a company may use its name in such form and in such language as the letters patent or supplementary letters patent provide. Use of name

2. Subsection 2 of section 82 of *The Corporations Act* is amended by adding at the end thereof "in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 82, subs. 2, amended

(2) The auditor shall make a report to the shareholders on the financial statement to be laid before the company at any annual meeting during his term of office and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the company and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period. Auditor's report

3.—(1) Subsection 1 of section 116 of *The Corporations Act* is amended by adding at the commencement thereof "Section 21*a*". R.S.O. 1960, c. 71, s. 116, subs. 1, amended

(2) The said section 116 is amended by adding thereto the following subsection: R.S.O. 1960 c. 71, s. 116 amended

Charitable corporation

(1*a*) Notwithstanding subsection 1, in the case of a corporation to which this Part applies the objects of which are exclusively for charitable purposes, it is sufficient notice of any meeting of the members of the corporation if notice is given by publication at least once a week for two consecutive weeks next preceding the meeting in a newspaper or newspapers circulated in the municipality or municipalities in which the majority of the members of the corporation reside as shown by their addresses on the books of the corporation.

R.S.O. 1960, c. 71, s. 143, subs. 4 (1962-63, c. 24, s. 4), repealed

4. Subsection 4 of section 143 of *The Corporations Act*, as enacted by section 4 of *The Corporations Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 71, s. 208, subs. 11, cl. *a*, amended

5.—(1) Clause *a* of subsection 11 of section 208 of *The Corporations Act* is amended by inserting after "insurance" in the third line "except that, subject to subsection 7 and to clause *c* of this subsection, an insurer licensed to transact the business of life insurance may invest its life insurance funds in the shares of a company transacting the business of insurance other than life insurance", so that the clause shall read as follows:

(*a*) invest in or loan its funds upon the security of its own shares or the shares of a company transacting the business of insurance, except that, subject to subsection 7 and to clause *c* of this subsection, an insurer licensed to transact the business of life insurance may invest its life insurance funds in the shares of a company transacting the business of insurance other than life insurance; or

. . . . .

R.S.O. 1960, c. 71, s. 208, subs. 11, cl. *c*, amended

(2) Clause *c* of subsection 11 of the said section 208 is amended by striking out "10 per cent" in the fifth and sixth lines and inserting in lieu thereof "20 per cent of the common shares or 20 per cent", so that the clause shall read as follows:

(*c*) except as to securities of or guaranteed by the Government of Canada, or the government of a province of Canada, or a municipal corporation in Canada, make any investment the effect of which will be that such insurer will hold more than 20 per cent of the common shares or 20 per cent of the total issue of shares of any one company; or

. . . . .

SECTION 4. The repealed provision is unnecessary in view of section 1 of this Bill.

SECTION 5—Subsection 1. The prohibition against the investment by a provincial life insurance company in the shares of a company transacting insurance other than life insurance is removed.

Subsection 2. The amendment raises the amount of shares of a company that an insurer may hold from not more than 10 per cent of the total shares to not more than 20 per cent of the common shares or 20 per cent of the total shares.

SECTION 6. Self-explanatory.

SECTION 7. The directors of all corporations are now required to elect or appoint the officers of the corporation. The amendment makes an exception in the case of corporations without share capital, in which case the shareholders may elect or appoint the officers where the charter so provides.

SECTION 8—Subsection 1. The period of three years default in filing annual returns, which must pass before the existence of a corporation may be terminated, is reduced to one year.

Subsection 2. The period within which application may be made to revive a dissolved corporation is reduced from three years to one year after the dissolution.

6. Section 290 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 290, amended

(2*a*) Where the location of the head office of a corporation is changed by reason only of the annexation or amalgamation of the place in which the head office is situate to or with another municipality, such change does not constitute and has never constituted a change within the meaning of subsection 2. Where municipality annexed or amalgamated

7. Section 302 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 302, amended

(2*a*) Notwithstanding subsections 1 and 2, in the case of a corporation without share capital, if the letters patent, supplementary letters patent or by-laws so provide, the officers of the corporation or any of them may be elected or appointed at a general meeting of the members duly called for that purpose. Corporations without share capital

8.—(1) Subsection 2 of section 326 of *The Corporations Act* is amended by striking out "three years" in the second line and inserting in lieu thereof "one year", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 326, subs. 2, amended

(2) Where it appears that a corporation is in default for a period of one year in filing its annual returns under *The Corporations Information Act* or a predecessor thereof and that notice of such default has been sent by registered mail to each director of record in the office of the Provincial Secretary to his last address shown on the records of that office and has been published once in *The Ontario Gazette*, the Lieutenant Governor may by order, Termination of existence on default of filing returns R.S.O. 1960, c. 72

(*a*) cancel the letters patent of the corporation and declare it to be dissolved on such date as the order fixes; or

(*b*) declare the corporate existence of the corporation, if it was incorporated otherwise than by letters patent, to be terminated and the corporation to be dissolved on such date as the order fixes.

(2) Subsection 3 of the said section 326 is amended by striking out "three years" in the third line and inserting in lieu thereof "one year", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 326, subs. 3, amended

Revival

(3) Where a corporation has been or is dissolved under subsection 2, the Lieutenant Governor, on the application of any interested person made within one year after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation shall, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, be restored to its legal position, including all its property, rights, privileges and franchises, and be subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Corporations Amendment Act, 1964.*

BILL 79

An Act to amend The Corporations Act

1st Reading

March 6th, 1964

2nd Reading

3rd Reading

MR. YAREMKO

1964

BILL 79

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Corporations Act

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 79 **1964**

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 71, amended

21*a*. Notwithstanding subsection 1 of section 20 and section 21, a company may use its name in such form and in such language as the letters patent or supplementary letters patent provide. Use of name

2. Subsection 2 of section 82 of *The Corporations Act* is amended by adding at the end thereof "in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 82, subs. 2, amended

(2) The auditor shall make a report to the shareholders on the financial statement to be laid before the company at any annual meeting during his term of office and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the company and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period. Auditor's report

3.—(1) Subsection 1 of section 116 of *The Corporations Act* is amended by adding at the commencement thereof "Section 21*a*". R.S.O. 1960, c. 71, s. 116, subs. 1, amended

(2) The said section 116 is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 116, amended

Charitable corporation

(1*a*) Notwithstanding subsection 1, in the case of a corporation to which this Part applies the objects of which are exclusively for charitable purposes, it is sufficient notice of any meeting of the members of the corporation if notice is given by publication at least once a week for two consecutive weeks next preceding the meeting in a newspaper or newspapers circulated in the municipality or municipalities in which the majority of the members of the corporation reside as shown by their addresses on the books of the corporation.

R.S.O. 1960, c. 71, s. 143, subs. 4 (1962-63, c. 24, s. 4), repealed

4. Subsection 4 of section 143 of *The Corporations Act*, as enacted by section 4 of *The Corporations Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 71, s. 208, subs. 11, cl. *a*, amended

5.—(1) Clause *a* of subsection 11 of section 208 of *The Corporations Act* is amended by inserting after "insurance" in the third line "except that, subject to subsection 7 and to clause *c* of this subsection, an insurer licensed to transact the business of life insurance may invest its life insurance funds in the shares of a company transacting the business of insurance other than life insurance", so that the clause shall read as follows:

(*a*) invest in or loan its funds upon the security of its own shares or the shares of a company transacting the business of insurance, except that, subject to subsection 7 and to clause *c* of this subsection, an insurer licensed to transact the business of life insurance may invest its life insurance funds in the shares of a company transacting the business of insurance other than life insurance; or

. . . . .

R.S.O. 1960, c. 71, s. 208, subs. 11, cl. *c*, amended

(2) Clause *c* of subsection 11 of the said section 208 is amended by striking out "10 per cent" in the fifth and sixth lines and inserting in lieu thereof "20 per cent of the common shares or 20 per cent", so that the clause shall read as follows:

(*c*) except as to securities of or guaranteed by the Government of Canada, or the government of a province of Canada, or a municipal corporation in Canada, make any investment the effect of which will be that such insurer will hold more than 20 per cent of the common shares or 20 per cent of the total issue of shares of any one company; or

. . . . .

6. Section 290 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 290, amended

(2*a*) Where the location of the head office of a corporation is changed by reason only of the annexation or amalgamation of the place in which the head office is situate to or with another municipality, such change does not constitute and has never constituted a change within the meaning of subsection 2. Where municipality annexed or amalgamated

7. Section 302 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 302, amended

(2*a*) Notwithstanding subsections 1 and 2, in the case of a corporation without share capital, if the letters patent, supplementary letters patent or by-laws so provide, the officers of the corporation or any of them may be elected or appointed at a general meeting of the members duly called for that purpose. Corporations without share capital

8.—(1) Subsection 2 of section 326 of *The Corporations Act* is amended by striking out "three years" in the second line and inserting in lieu thereof "one year", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 326, subs. 2, amended

(2) Where it appears that a corporation is in default for a period of one year in filing its annual returns under *The Corporations Information Act* or a predecessor thereof and that notice of such default has been sent by registered mail to each director of record in the office of the Provincial Secretary to his last address shown on the records of that office and has been published once in *The Ontario Gazette*, the Lieutenant Governor may by order, Termination of existence on default of filing returns R.S.O. 1960, c. 72

(*a*) cancel the letters patent of the corporation and declare it to be dissolved on such date as the order fixes; or

(*b*) declare the corporate existence of the corporation, if it was incorporated otherwise than by letters patent, to be terminated and the corporation to be dissolved on such date as the order fixes.

(2) Subsection 3 of the said section 326 is amended by striking out "three years" in the third line and inserting in lieu thereof "one year", so that the subsection shall read as follows: R.S.O. 1960, c. 71, s. 326, subs. 3, amended

Revival

(3) Where a corporation has been or is dissolved under subsection 2, the Lieutenant Governor, on the application of any interested person made within one year after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation shall, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, be restored to its legal position, including all its property, rights, privileges and franchises, and be subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Corporations Amendment Act, 1964.*

An Act to amend The Corporations Act

1st Reading

March 6th, 1964

2nd Reading

March 17th, 1964

3rd Reading

March 25th, 1964

MR. YAREMKO

1964

BILL 80

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Ontario Municipal Board Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The new subsections are to make it clear that *The Public Service Act, 1961-62* and Part I of *The Public Service Superannuation Act* apply to the members of the Ontario Municipal Board except in respect of their appointments, assignments and salaries.

BILL 80 **1964**

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 274, s. 5, amended

(3) A member of the Board shall be paid such salary as is fixed by the Lieutenant Governor in Council. Salary

(4) The salaries and travelling expenses of members of the Board are payable out of such sums as are appropriated therefor by the Legislature. How payable

(5) *The Public Service Act, 1961-62* applies to members of the Board except in respect of their salaries, appointments and assignments. Application of 1961-62, c. 121

(6) Part I of *The Public Service Superannuation Act* applies and shall be deemed always to have applied to members of the Board. Application of R.S.O. 1960, c. 332

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1964.* Short title

An Act to amend
The Ontario Municipal Board Act

1st Reading

March 9th, 1964

2nd Reading

3rd Reading

MR. SPOONER

1964

BILL 80

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Ontario Municipal Board Act

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The new subsections are to make it clear that *The Public Service Act, 1961-62*, except sections 4 and 5, and Part I of *The Public Service Superannuation Act* apply to the members of the Ontario Municipal Board except in respect of their appointments, assignments and salaries.

BILL 80 **1964**

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 274, s. 5, amended

(3) A member of the Board shall be paid such salary as is fixed by the Lieutenant Governor in Council. Salary

(4) The salaries and travelling expenses of members of the Board are payable out of such sums as are appropriated therefor by the Legislature. How payable

(5) *The Public Service Act, 1961-62*, except sections 4 and 5, applies to members of the Board. Application of 1961-62, c. 121

(6) Part I of *The Public Service Superannuation Act* applies and shall be deemed always to have applied to members of the Board. Application of R.S.O. 1960, c. 332

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1964*. Short title

An Act to amend
The Ontario Municipal Board Act

1st Reading

March 9th, 1964

2nd Reading

March 20th, 1964

3rd Reading

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

1964

BILL 80

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Ontario Municipal Board Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 80 **1964**

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 274, s. 5, amended

(3) A member of the Board shall be paid such salary as is fixed by the Lieutenant Governor in Council. Salary

(4) The salaries and travelling expenses of members of the Board are payable out of such sums as are appropriated therefor by the Legislature. How payable

(5) *The Public Service Act, 1961-62*, except sections 4 and 5, applies to members of the Board. Application of 1961-62, c. 121

(6) Part I of *The Public Service Superannuation Act* applies and shall be deemed always to have applied to members of the Board. Application of R.S.O. 1960, c. 332

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1964.* Short title

BILL 80

An Act to amend
The Ontario Municipal Board Act

1st Reading

March 9th, 1964

2nd Reading

March 20th, 1964

3rd Reading

March 25th, 1964

MR. SPOONER

1964

BILL 81

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Municipal Works Assistance Act, 1963

1

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Act is amended to authorize the payment out of the Consoidated Revenue Fund of moneys required for the purposes of the Act.

BILL 81 **1964**

An Act to amend The Municipal Works Assistance Act, 1963

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Works Assistance Act, 1963* is amended by adding thereto the following section: 1963, c. 1, amended

5*a*. The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund. Moneys required for Act

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Municipal Works Assistance Amendment Act, 1964*. Short title

An Act to amend
The Municipal Works Assistance Act, 1963

1st Reading

March 9th, 1964

2nd Reading

3rd Reading

MR. SPOONER

1964

BILL 81

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Municipal Works Assistance Act, 1963

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 81 **1964**

An Act to amend The Municipal Works Assistance Act, 1963

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Works Assistance Act, 1963* is amended by adding thereto the following section: 1963, c. 1, amended

5*a*. The moneys required for the purposes of this Act shall be paid out of the Consolidated Revenue Fund. Moneys required for Act

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Municipal Works Assistance Amendment Act, 1964*. Short title

An Act to amend
The Municipal Works Assistance Act, 1963

1st Reading

March 9th, 1964

2nd Reading

March 20th, 1964

3rd Reading

March 25th, 1964

MR. SPOONER

1964

BILL 82

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Milk Industry Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1—Subsection 1. The amendment redefines "dairy".

Subsection 2. Complementary to subsection 1.

Section 2—Subsection 1. The powers of the Board to make regulations with respect to a regulated product are amplified.

Subsection 2. The Board is authorized to refuse to file an agreement that is not in the prescribed form.

BILL 82 **1964**

An Act to amend The Milk Industry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 9 of subsection 1 of section 1 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 239, s. 1, subs. 1, par. 9, re-enacted

9. "dairy" means premises to which fluid milk is regularly brought for the purpose of being processed into fluid milk products.

(2) Paragraph 12 of subsection 1 of the said section 1, as re-enacted by section 1 of *The Milk Industry Amendment Act, 1962-63*, is amended by striking out "to distributors" in the first and second lines, so that the paragraph shall read as follows: R.S.O. 1960, c. 239, s. 1, subs. 1, par. 12 (1962-63, c. 82, s. 1), amended

12. "fluid milk" means milk produced for sale for use in fluid milk products.

2.—(1) Subsection 1 of section 8 of *The Milk Industry Act*, as amended by section 6 of *The Milk Industry Amendment Act, 1960-61* and section 2 of *The Milk Industry Amendment Act, 1962-63*, is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 239, s. 8, subs. 1, amended

7*a*. prescribing the form of agreements filed with the Board under subsection 2.

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960, c. 239, s. 8, amended

(6) An agreement filed with the Board under subsection 2 shall be in the form prescribed by the regulations, and the Board may refuse to file an agreement that is not in such form. Form of agreement

R.S.O. 1960, c. 239, s. 17, amended

3. Section 17 of *The Milk Industry Act*, as amended by section 9 of *The Milk Industry Amendment Act, 1960-61* and section 1 of *The Milk Industry Amendment Act, 1961-62*, is further amended by adding thereto the following paragraph:

2*a*. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of milk or cream, and providing for the administration and disposition by the Board of any moneys or securities so furnished.

R.S.O. 1960, c. 239, s. 21, amended

4.—(1) Section 21 of *The Milk Industry Act* is amended by adding thereto the following paragraph:

7*a*. prescribing the form of agreements filed with the Board under section 25.

R.S.O. 1960, c. 239, s. 21, par. 9, amended

(2) Paragraph 9 of the said section 21 is amended by adding at the end thereof "or by operators of dairies", so that the paragraph shall read as follows:

9. providing for the furnishing of security or proof of financial responsibility by distributors or any class thereof or by operators of dairies.

R.S.O. 1960, c. 239, s. 21, par. 10, amended

(3) Paragraph 10 of the said section 21 is amended by adding at the end thereof "or by operators of dairies", so that the paragraph shall read as follows:

10. providing for the administration and disposition by the Board of bonds or any moneys recovered under any such bonds or any moneys or securities furnished as proof of financial responsibility by distributors or by operators of dairies.

R.S.O. 1960, c. 239, s. 24, re-enacted

5. Section 24 of *The Milk Industry Act* is repealed and the following substituted therefor:

Arbitration before Board

24.—(1) When collective bargaining by the representatives of the producers and distributors has proceeded for fourteen days, or sooner if the representatives of either party are satisfied that agreement cannot be reached in respect of one or more matters of the collective bargaining under section 23, they may, by notice to the representatives of the other party and to the Board, require all matters on which agreement has not been reached to be referred to the Board, and the Board shall arbitrate the same and make an award.

SECTION 3. The powers of the Board to make regulations with respect to milk and cream are amplified.

SECTION 4—Subsection 1. The powers of the Board to make regulations with respect to fluid milk are amplified.

Subsections 2 and 3. Self-explanatory.

SECTION 5. The section is re-enacted for purposes of clarification and to permit the Board in an award to amend matters agreed upon by the representatives of producers and distributors in a collective bargaining.

SECTION 6—Subsection 1. The amendment clarifies the authority of the Board with respect to the renegotiation of an agreement or award.

(2) Where matters on which agreement has not been reached are referred to the Board under subsection 1, the Board may require from the representatives of either party particulars of any matter on which agreement has been reached and may, in its award under subsection 1, for any reason that it deems proper, amend the provisions of the agreement in respect of any such matter on which agreement has been reached. Board may amend provisions of agreement

(3) When collective bargaining by the representatives of the producers and transporters has proceeded for fourteen days, or sooner if the representatives of either party are satisfied that agreement cannot be reached in respect of one or more matters of the collective bargaining under section 23, they may, by notice to the representatives of the other party and to the Board, require all matters on which agreement has not been reached to be arbitrated by a board of arbitration of three members, of whom one shall be appointed by the representatives of the producers, one shall be appointed by the representatives of the transporters, and one shall be appointed by the two members appointed by the representatives of the producers and the transporters, but, where the two members fail to agree on the third member of the board of arbitration within ten days of their appointment and so notify the Board, the Board shall appoint the third member, and the board of arbitration shall forthwith arbitrate the same and make an award. Arbitration by board of arbitration

(4) Each of the parties to the arbitration shall assume its own costs of the arbitration. Costs

(5) *The Arbitrations Act* does not apply to any arbitration under this section. R.S.O. 1960, c. 18, not to apply

6.—(1) Subsection 4 of section 25 of *The Milk Industry Act* is amended by striking out "any of its terms" in the third line and inserting in lieu thereof "the agreement or award", so that the subsection shall read as follows: R.S.O. 1960, c. 239, s. 25, subs. 4, amended

(4) The Board may at any time upon the application of any party to an agreement or award provide for the renegotiation of the agreement or award by way of collective bargaining under section 23 and, failing agreement, by arbitration under section 24. Renegotiation

R.S.O. 1960, c. 239, s. 25, amended

(2) The said section 25 is amended by adding thereto the following subsection:

Form of agreement

(5) An agreement filed with the Board under subsection 1 shall be in the form prescribed by the regulations, and the Board may refuse to file an agreement that is not in such form.

R.S.O. 1960, c. 239, s. 29 (1960-61, c. 56, s. 11), subs. 2, re-enacted

7. Subsection 2 of section 29 of *The Milk Industry Act*, as re-enacted by section 11 of *The Milk Industry Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Distributor's areas restricted

(2) A distributor shall not deliver, sell or distribute fluid milk products in any municipality or part thereof or distribution area that is not shown on his licence.

R.S.O. 1960, c. 239, s. 33, subss. 2, 3, repealed

8. Subsections 2 and 3 of section 33 of *The Milk Industry Act* are repealed.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Milk Industry Amendment Act, 1964*.

Subsection 2. The Board is authorized to refuse to file an agreement that is not in the prescribed form.

SECTION 7. The intent of the subsection is clarified.

SECTION 8. The authority of a municipal inspector to inspect fluid milk, fluid milk products, farms and dairies is revoked.

BILL 82

An Act to amend The Milk Industry Act

1st Reading

March 10th, 1964

2nd Reading

3rd Reading

MR. STEWART

1964

BILL 82

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Milk Industry Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 82 **1964**

An Act to amend The Milk Industry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 9 of subsection 1 of section 1 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 239, s. 1, subs. 1, par. 9, re-enacted

9. "dairy" means premises to which fluid milk is regularly brought for the purpose of being processed into fluid milk products.

(2) Paragraph 12 of subsection 1 of the said section 1, as re-enacted by section 1 of *The Milk Industry Amendment Act, 1962-63*, is amended by striking out "to distributors" in the first and second lines, so that the paragraph shall read as follows: R.S.O. 1960, c. 239, s. 1, subs. 1, par. 12 (1962-63, c. 82, s. 1), amended

12. "fluid milk" means milk produced for sale for use in fluid milk products.

2.—(1) Subsection 1 of section 8 of *The Milk Industry Act*, as amended by section 6 of *The Milk Industry Amendment Act, 1960-61* and section 2 of *The Milk Industry Amendment Act, 1962-63*, is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 239, s. 8, subs. 1, amended

7a. prescribing the form of agreements filed with the Board under subsection 2.

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960, c. 239, s. 8, amended

(6) An agreement filed with the Board under subsection 2 shall be in the form prescribed by the regulations, and the Board may refuse to file an agreement that is not in such form. Form of agreement

R.S.O. 1960, c. 239, s. 17, amended

3. Section 17 of *The Milk Industry Act*, as amended by section 9 of *The Milk Industry Amendment Act, 1960-61* and section 1 of *The Milk Industry Amendment Act, 1961-62*, is further amended by adding thereto the following paragraph:

2*a*. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of milk or cream, and providing for the administration and disposition by the Board of any moneys or securities so furnished.

R.S.O. 1960, c. 239, s. 21, amended

4.—(1) Section 21 of *The Milk Industry Act* is amended by adding thereto the following paragraph:

7*a*. prescribing the form of agreements filed with the Board under section 25.

R.S.O. 1960, c. 239, s. 21, par. 9, amended

(2) Paragraph 9 of the said section 21 is amended by adding at the end thereof "or by operators of dairies", so that the paragraph shall read as follows:

9. providing for the furnishing of security or proof of financial responsibility by distributors or any class thereof or by operators of dairies.

R.S.O. 1960, c. 239, s. 21, par. 10, amended

(3) Paragraph 10 of the said section 21 is amended by adding at the end thereof "or by operators of dairies", so that the paragraph shall read as follows:

10. providing for the administration and disposition by the Board of bonds or any moneys recovered under any such bonds or any moneys or securities furnished as proof of financial responsibility by distributors or by operators of dairies.

R.S.O. 1960, c. 239, s. 24, re-enacted

5. Section 24 of *The Milk Industry Act* is repealed and the following substituted therefor:

Arbitration before Board

24.—(1) When collective bargaining by the representatives of the producers and distributors has proceeded for fourteen days, or sooner if the representatives of either party are satisfied that agreement cannot be reached in respect of one or more matters of the collective bargaining under section 23, they may, by notice to the representatives of the other party and to the Board, require all matters on which agreement has not been reached to be referred to the Board, and the Board shall arbitrate the same and make an award.

(2) Where matters on which agreement has not been reached are referred to the Board under subsection 1, the Board may require from the representatives of either party particulars of any matter on which agreement has been reached and may, in its award under subsection 1, for any reason that it deems proper, amend the provisions of the agreement in respect of any such matter on which agreement has been reached. Board may amend provisions of agreement

(3) When collective bargaining by the representatives of the producers and transporters has proceeded for fourteen days, or sooner if the representatives of either party are satisfied that agreement cannot be reached in respect of one or more matters of the collective bargaining under section 23, they may, by notice to the representatives of the other party and to the Board, require all matters on which agreement has not been reached to be arbitrated by a board of arbitration of three members, of whom one shall be appointed by the representatives of the producers, one shall be appointed by the representatives of the transporters, and one shall be appointed by the two members appointed by the representatives of the producers and the transporters, but, where the two members fail to agree on the third member of the board of arbitration within ten days of their appointment and so notify the Board, the Board shall appoint the third member, and the board of arbitration shall forthwith arbitrate the same and make an award. Arbitration by board of arbitration

(4) Each of the parties to the arbitration shall assume its own costs of the arbitration. Costs

(5) *The Arbitrations Act* does not apply to any arbitration under this section. R.S.O. 1960, c. 18, not to apply

6.—(1) Subsection 4 of section 25 of *The Milk Industry Act* is amended by striking out "any of its terms" in the third line and inserting in lieu thereof "the agreement or award", so that the subsection shall read as follows: R.S.O. 1960, c. 239, s. 25, subs. 4, amended

(4) The Board may at any time upon the application of any party to an agreement or award provide for the renegotiation of the agreement or award by way of collective bargaining under section 23 and, failing agreement, by arbitration under section 24. Renegotiation

R.S.O. 1960, c. 239, s. 25, amended

(2) The said section 25 is amended by adding thereto the following subsection:

Form of agreement

(5) An agreement filed with the Board under subsection 1 shall be in the form prescribed by the regulations, and the Board may refuse to file an agreement that is not in such form.

R.S.O. 1960, c. 239, s. 29 (1960-61, c. 56, s. 11), subs. 2, re-enacted

7. Subsection 2 of section 29 of *The Milk Industry Act*, as re-enacted by section 11 of *The Milk Industry Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Distributor's areas restricted

(2) A distributor shall not deliver, sell or distribute fluid milk products in any municipality or part thereof or distribution area that is not shown on his licence.

R.S.O. 1960, c. 239, s. 33, subs. 2, 3, repealed

8. Subsections 2 and 3 of section 33 of *The Milk Industry Act* are repealed.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Milk Industry Amendment Act. 1964.*

An Act to amend The Milk Industry Act

1st Reading

March 10th, 1964

2nd Reading

March 17th, 1964

3rd Reading

March 25th, 1964

MR. STEWART

1964

BILL 83

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Farm Products Marketing Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

At present, the Act authorizes the Farm Products Marketing Board to make an order requiring producers of a farm product, other than a regulated product, to pay fees to an association of such producers. The amendment provides a procedure whereby the Board may recommend to the Minister the designation of an association of producers as the representative association of all producers and the establishment of a programme, and authorizes regulations designating such an association and establishing such a programme and providing for the licensing of producers and the levying of licence fees.

BILL 83 **1964**

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 12, re-enacted

12.—(1) Where the Board receives from a group of producers in Ontario or any part thereof a petition or request asking that an association of producers of a farm product, other than a regulated product, incorporated under *The Agricultural Associations Act* or *The Corporations Act* or any predecessor of either of such Acts, and having as its objects the stimulating, increasing and improving of the marketing locally within Ontario of the farm product by advertising, education, research or other means, be designated as the representative association for all producers in Ontario of that farm product, the Board shall, Petition for designation of association of producers R.S.O. 1960, cc. 6, 71

(*a*) obtain such information as it deems necessary to determine that the association is representative of the persons engaged in the production of the farm product;

(*b*) consider any proposed programme of the association for the stimulating, increasing or improving of the marketing locally within Ontario of the farm product; and

(*c*) obtain estimates of the cost of carrying out such programme.

(2) Where the Board is of the opinion that a majority of the producers in Ontario of the farm product mentioned in subsection 1 are in favour of the designation Recommendation by Board for designation of association and establishment of programme

of the association as the representative association of all producers of that farm product in Ontario and are in favour of a proposed programme of the association for stimulating, increasing and improving the marketing of the farm product, the Board may recommend to the Minister the designation of the association as the representative association of producers of the farm product within Ontario and the establishment of such programme.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

R.S.O. 1960, cc. 6, 71

(*a*) designating any association of producers of a farm product, other than a regulated product, incorporated under *The Agricultural Associations Act* or *The Corporations Act* or any predecessor of either of such Acts, as the representative association of producers of the farm product within Ontario for the carrying out of a programme for stimulating, increasing and improving the marketing locally within Ontario of the farm product by advertising, education, research or other means;

(*b*) establishing, amending and revoking any programme for stimulating, increasing and improving the marketing locally within Ontario of a farm product, other than a regulated product;

(*c*) providing for the licensing of producers before commencing to engage in the production of the farm product and requiring such producers to pay licence fees to the association;

(*d*) designating the amounts of licence fees and requiring payment of the fees in different amounts or in instalments;

(*e*) requiring persons who buy the farm product from a producer to deduct from moneys payable to the producer any licence fees payable by the producer and to forward such licence fees to the association;

(*f*) authorizing the association to use the licence fees for the purposes of defraying the expenses of the association in the carrying out of its objects;

(*g*) requiring the association to furnish to the Board such information and financial statements as the Board determines.

Limitations and exceptions

(4) Any regulation under subsection 3 may,

(*a*) be limited as to time and place;

(*b*) exempt from the regulations any person or class of persons or any class, variety, grade or size of the farm product;

(*c*) fix licence fees of different amounts for different classes, varieties, grades or sizes of the farm product; and

(*d*) designate an association or establish a programme, notwithstanding that the procedure under subsections 1 and 2 has not been followed.

Inspection of records and furnishing of information

(5) Where a regulation has been made under subsection 3, the Board may,

(*a*) appoint any person to inspect the books, records and premises of persons who produce or buy the farm product, and section 7 applies *mutatis mutandis* in respect of a person so appointed; and

(*b*) require persons engaged in producing or buying the farm product to furnish such information and make such returns and reports as the Board determines.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1964.*

An Act to amend
The Farm Products Marketing Act

1st Reading

March 10th, 1964

2nd Reading

3rd Reading

MR. STEWART

1964

BILL 83

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Farm Products Marketing Act

MR. STEWART

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

At present, the Act authorizes the Farm Products Marketing Board to make an order requiring producers of a farm product, other than a regulated product, to pay fees to an association of such producers. The amendment provides a procedure whereby the Board may recommend to the Minister the designation of an association of producers as the representative association of all producers and the establishment of a programme, and authorizes regulations designating such an association and establishing such a programme and providing for the licensing of producers and the levying of licence fees.

BILL 83 **1964**

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 12, re-enacted

12.—(1) Where the Board receives from a group of producers in Ontario or any part thereof a petition or request asking that an association of producers of a farm product, other than a regulated product, incorporated under *The Agricultural Associations Act* or *The Corporations Act* or any predecessor of either of such Acts, and having as its objects the stimulating, increasing and improving of the marketing locally within Ontario of the farm product by advertising, education, research or other means, be designated as the representative association for all producers in Ontario of that farm product, the Board shall, Petition for designation of association of producers R.S.O. 1960, cc. 6, 71

(*a*) obtain such information as it deems necessary to determine that the association is representative of the persons engaged in the production of the farm product;

(*b*) consider any proposed programme of the association for the stimulating, increasing or improving of the marketing locally within Ontario of the farm product; and

(*c*) obtain estimates of the cost of carrying out such programme.

(2) Where the Board is of the opinion that a majority of the producers in Ontario of the farm product mentioned in subsection 1 are in favour of the designation Recommendation by Board for designation of association and establishment of programme

of the association as the representative association of all producers of that farm product in Ontario and are in favour of a proposed programme of the association for stimulating, increasing and improving the marketing of the farm product, the Board may recommend to the Minister the designation of the association as the representative association of producers of the farm product within Ontario and the establishment of such programme.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

R.S.O. 1960, cc. 6, 71

(*a*) designating any association of producers of a farm product, other than a regulated product, incorporated under *The Agricultural Associations Act* or *The Corporations Act* or any predecessor of either of such Acts, as the representative association of producers of the farm product within Ontario for the carrying out of a programme for stimulating, increasing and improving the marketing locally within Ontario of the farm product by advertising, education, research or other means;

(*b*) establishing, amending and revoking any programme for stimulating, increasing and improving the marketing locally within Ontario of a farm product, other than a regulated product;

(*c*) requiring producers of the farm product to pay licence fees to the association;

(*d*) designating the amounts of licence fees and requiring payment of the fees in different amounts or in instalments;

(*e*) requiring persons who buy the farm product from a producer to deduct from moneys payable to the producer any licence fees payable by the producer and to forward such licence fees to the association;

(*f*) authorizing the association to use the licence fees for the purposes of defraying the expenses of the association in the carrying out of its objects;

(*g*) requiring the association to furnish to the Board such information and financial statements as the Board determines.

(4) Where the Lieutenant Governor in Council makes regulations establishing a programme under subsection 3, every producer of the farm product shall be deemed to be the holder of a licence for the production of the farm product. Where producers deemed licence holders

(5) Any regulation under subsection 3 may, Limitations and exceptions

(*a*) be limited as to time and place;

(*b*) exempt from the regulations any person or class of persons or any class, variety, grade or size of the farm product; and

(*c*) fix licence fees of different amounts for different classes, varieties, grades or sizes of the farm product.

(6) Where a regulation has been made under subsection 3, the Board may, Inspection of records and furnishing of information

(*a*) appoint any person to inspect the books, records and premises of persons who produce or buy the farm product, and section 7 applies *mutatis mutandis* in respect of a person so appointed; and

(*b*) require persons engaged in producing or buying the farm product to furnish such information and make such returns and reports as the Board determines.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1964.* Short title

BILL 83

An Act to amend
The Farm Products Marketing Act

1st Reading

March 10th, 1964

2nd Reading

March 17th, 1964

3rd Reading

MR. STEWART

(*Reprinted as amended by the Committee of the Whole House*)

1964

BILL 83

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Farm Products Marketing Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 83 **1964**

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 12, re-enacted

12.—(1) Where the Board receives from a group of producers in Ontario or any part thereof a petition or request asking that an association of producers of a farm product, other than a regulated product, incorporated under *The Agricultural Associations Act* or *The Corporations Act* or any predecessor of either of such Acts, and having as its objects the stimulating, increasing and improving of the marketing locally within Ontario of the farm product by advertising, education, research or other means, be designated as the representative association for all producers in Ontario of that farm product, the Board shall, Petition for designation of association of producers R.S.O. 1960, cc. 6, 71

(*a*) obtain such information as it deems necessary to determine that the association is representative of the persons engaged in the production of the farm product;

(*b*) consider any proposed programme of the association for the stimulating, increasing or improving of the marketing locally within Ontario of the farm product; and

(*c*) obtain estimates of the cost of carrying out such programme.

(2) Where the Board is of the opinion that a majority of the producers in Ontario of the farm product mentioned in subsection 1 are in favour of the designation Recommendation by Board for designation of association and establishment of programme

of the association as the representative association of all producers of that farm product in Ontario and are in favour of a proposed programme of the association for stimulating, increasing and improving the marketing of the farm product, the Board may recommend to the Minister the designation of the association as the representative association of producers of the farm product within Ontario and the establishment of such programme.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

R.S.O. 1960, cc. 6, 71

(*a*) designating any association of producers of a farm product, other than a regulated product, incorporated under *The Agricultural Associations Act* or *The Corporations Act* or any predecessor of either of such Acts, as the representative association of producers of the farm product within Ontario for the carrying out of a programme for stimulating, increasing and improving the marketing locally within Ontario of the farm product by advertising, education, research or other means;

(*b*) establishing, amending and revoking any programme for stimulating, increasing and improving the marketing locally within Ontario of a farm product, other than a regulated product;

(*c*) requiring producers of the farm product to pay licence fees to the association;

(*d*) designating the amounts of licence fees and requiring payment of the fees in different amounts or in instalments;

(*e*) requiring persons who buy the farm product from a producer to deduct from moneys payable to the producer any licence fees payable by the producer and to forward such licence fees to the association;

(*f*) authorizing the association to use the licence fees for the purposes of defraying the expenses of the association in the carrying out of its objects;

(*g*) requiring the association to furnish to the Board such information and financial statements as the Board determines.

(4) Where the Lieutenant Governor in Council makes regulations establishing a programme under subsection 3, every producer of the farm product shall be deemed to be the holder of a licence for the production of the farm product. Where producers deemed licence holders

(5) Any regulation under subsection 3 may, Limitations and exceptions

(*a*) be limited as to time and place;

(*b*) exempt from the regulations any person or class of persons or any class, variety, grade or size of the farm product; and

(*c*) fix licence fees of different amounts for different classes, varieties, grades or sizes of the farm product.

(6) Where a regulation has been made under subsection 3, the Board may, Inspection of records and furnishing of information

(*a*) appoint any person to inspect the books, records and premises of persons who produce or buy the farm product, and section 7 applies *mutatis mutandis* in respect of a person so appointed; and

(*b*) require persons engaged in producing or buying the farm product to furnish such information and make such returns and reports as the Board determines.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1964*. Short title

An Act to amend
The Farm Products Marketing Act

1st Reading

March 10th, 1964

2nd Reading

March 17th, 1964

3rd Reading

March 25th, 1964

MR. STEWART

1964

BILL 84

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Election Act

MR. BRYDEN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The amendment requires the statement of a candidate's election expenses to be audited by a public accountant.

Section 2. The new provisions require central party organizations to file audited statements of their receipts and expenditures on account of election campaigns with the Chief Election Officer, where they will be available for public inspection.

BILL 84 **1964**

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 191 of *The Election Act* is amended by inserting after "him" in the eleventh line "audited by a public accountant licensed under *The Public Accountancy Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 118, s. 191, subs. 1, amended

(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value $50 and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall, within three months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of three months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, audited by a public accountant licensed under *The Public Accountancy Act*, and delivered, with the bills and vouchers relating thereto, to the returning officer. Statement of election expenses, etc., to be sent by agent to R.O. R.S.O. 1960, c. 317

2. *The Election Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 118, amended

192*a*.—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value $50 and detailed statement of all election expenses incurred by or on behalf of the central organization of a politcal interest represented in the election by more than twenty candidates shall, within six months after the election, be made out by the treasurer or other officer responsible for the Statement of election contributions, expenses, etc.

R.S.O. 1960, c. 317

accounts of such central organization, certified by a public accountant licensed under *The Public Accountancy Act* and delivered to the Chief Election Officer.

Penalty for default in delivering statements

(2) Every treasurer or other officer who is in default of delivering an audited statement under subsection 1 is liable to a fine not exceeding $25 for every day during which he is in default.

Preservation and inspection of statement

192*b*. The Chief Election Officer shall preserve all such statements and shall, during the six months following their delivery to him, permit any voter to inspect them upon payment of a fee of 25 cents.

R.S.O. 1960, c. 118, amended

3. *The Election Act* is amended by adding thereto the following section:

Maximum expenses of candidate

194.—(1) The total expenses incurred in an election by a candidate or on his behalf other than by the central organization of a political party, including the personal expenses of the candidate as defined in subsection 2 of section 188, shall not exceed 20 cents for each person whose name has been entered on the polling list in a rural polling subdivision and 15 cents for each person whose name has been entered on the polling list in an urban subdivision in the electoral district concerned.

Maximum expenses of political party

(2) The total expenses incurred in an election by or on behalf of the central organization of a political party represented in the election by more than one candidate shall not exceed 15 cents for each person whose name has been entered on the polling lists in the electoral districts in which the political party is represented by a candidate.

Contributions

(3) No person or organization shall publish or cause to be published any advertisement, poster, leaflet, handbill, pamphlet, book, or other printed matter, or any announcement or programme on radio or television, or shall contribute or cause to be contributed any other commodity or service for the benefit of a candidate or political party in an election without the consent in writing of the candidate's official agent or of a duly authorized representative of the political party, as the case may be, and, where such consent is given, the cost of the publishing and the value of the contribution, excluding free time contributed by a television or radio broadcasting station or network of stations to all candidates in an electoral district

SECTION 3. The new section fixes maximum election expenses that may be incurred by candidates and parties and requires that goods or services contributed be acknowledged and included as expenses.

or to all political parties represented in the election on a basis accepted by them, shall be included in the total election expenses referred to in subsections 1 and 2.

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Election Amendment Act, 1964*. Short title

An Act to amend The Election Act

1st Reading

March 12th, 1964

2nd Reading

3rd Reading

MR. BRYDEN

1964

BILL 85

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Education Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. For the purpose of calculating legislative grants, days of attendance lost by pupils may be added to the actual aggregate attendance where absence was caused,

(i) by the failure of transportation caused by inclement weather, and

(ii) by reason of the discontinuation of regular classes because of the holding of examinations that the pupils are not required to attend.

Section 2. The new section is to make it clear that the Minister has and always had authority to establish the Defence Training Board which employs civilian instructors for duties in training centres operated by the armed forces. The Minister is authorized to enter into an agreement with the federal Minister of Labour to provide pensions for the instructors and other employees of the board.

BILL 85 **1964**

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 5 of *The Department of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 94, s. 5, cl. *c*, re-enacted

(*c*) who were absent from school because of,

(i) a failure of transportation arrangements caused by inclement weather, or

(ii) the closing of one or more classrooms caused by inclement weather, fire, flood or the breakdown of the school heating plant, or a similar emergency,

which, in the opinion of the Minister, was unavoidable.

(2) Clause *d* of the said section 5 is amended by striking out "in the month of June" in the first line, so that the clause shall read as follows: R.S.O. 1960, c. 94, s. 5, cl. *d*, amended

(*d*) who were absent from school when their regular classroom work was discontinued because of the holding of examinations that they were not required to write.

2. *The Department of Education Act* is amended by adding thereto the following section: R.S.O. 1960, c. 94, amended

11*a*.—(1) The Minister has and shall be deemed always to have had authority to establish a board to act as agent for the Crown in right of Canada represented by the Department of Labour to select and employ Board to select teachers for schools operated by armed forces

civilian instructors as required by the armed forces for duties in schools or training centres operated by the armed forces under procedures authorized by such Department of Labour.

Pensions for civilian instructors, etc.

(2) The Minister may enter into an agreement with the Crown in right of Canada represented by the Minister of Labour to provide a pension plan for such civilian instructors and other employees of the board, and, where the Minister of Labour agrees to pay the employer's share under any such pension plan, may contract with an insurer under *The Insurance Act* to provide such a pension plan.

R.S.O. 1960, c. 190

R.S.O. 1960, c. 94, s. 12, subs. 1, par. 33, amended

3.—(1) Paragraph 33 of subsection 1 of section 12 of *The Department of Education Act* is amended by striking out "approving the" in the first line and inserting in lieu thereof "governing the selection and approval of", so that the paragraph shall read as follows:

approve texts

33. governing the selection and approval of text-books for use in Grades 1 to 12 inclusive.

R.S.O. 1960. c. 94, s. 12, subs. 1, par. 36, re-enacted

(2) Paragraph 36 of subsection 1 of the said section 12 is repealed and the following substituted therefor:

scholarships

36. establishing scholarships for residents of Ontario to enable them to pursue courses of study outside Ontario, and prescribing the terms and conditions under which they may be awarded and the courses of study that may be pursued.

Commencement

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1964.

Short title

5. This Act may be cited as *The Department of Education Amendment Act, 1964.*

SECTION 3—Subsection 1. The amendment is for the purpose of clarification only.

Subsection 2. Paragraph 36 is re-enacted for the purpose of clarification only.

An Act to amend
The Department of Education Act

1st Reading

March 12th, 1964

2nd Reading

3rd Reading

MR. DAVIS

1964

BILL 85

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Department of Education Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 85 **1964**

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 5 of *The Department of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 94, s. 5, cl. *c*, re-enacted

(*c*) who were absent from school because of,

(i) a failure of transportation arrangements caused by inclement weather, or

(ii) the closing of one or more classrooms caused by inclement weather, fire, flood or the breakdown of the school heating plant, or a similar emergency,

which, in the opinion of the Minister, was unavoidable.

(2) Clause *d* of the said section 5 is amended by striking out "in the month of June" in the first line, so that the clause shall read as follows: R.S.O. 1960, c. 94, s. 5, cl. *d*, amended

(*d*) who were absent from school when their regular classroom work was discontinued because of the holding of examinations that they were not required to write.

2. *The Department of Education Act* is amended by adding thereto the following section: R.S.O. 1960, c. 94, amended

11*a*.—(1) The Minister has and shall be deemed always to have had authority to establish a board to act as agent for the Crown in right of Canada represented by the Department of Labour to select and employ Board to select teachers for schools operated by armed forces

civilian instructors as required by the armed forces for duties in schools or training centres operated by the armed forces under procedures authorized by such Department of Labour.

Pensions for civilian instructors, etc.

(2) The Minister may enter into an agreement with the Crown in right of Canada represented by the Minister of Labour to provide a pension plan for such civilian instructors and other employees of the board, and, where the Minister of Labour agrees to pay the employer's share under any such pension plan, may contract with an insurer under *The Insurance Act* to provide such a pension plan.

R.S.O. 1960, c. 190

R.S.O. 1960, c. 94, s. 12, subs. 1, par. 33, amended

3.—(1) Paragraph 33 of subsection 1 of section 12 of *The Department of Education Act* is amended by striking out "approving the" in the first line and inserting in lieu thereof "governing the selection and approval of", so that the paragraph shall read as follows:

approve texts

33. governing the selection and approval of text-books for use in Grades 1 to 12 inclusive.

R.S.O. 1960, c. 94, s. 12, subs. 1, par. 36, re-enacted

(2) Paragraph 36 of subsection 1 of the said section 12 is repealed and the following substituted therefor:

scholarships

36. establishing scholarships for residents of Ontario to enable them to pursue courses of study outside Ontario, and prescribing the terms and conditions under which they may be awarded and the courses of study that may be pursued.

Commencement

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1964.

Short title

5. This Act may be cited as *The Department of Education Amendment Act, 1964.*

An Act to amend
The Department of Education Act

1st Reading

March 12th, 1964

2nd Reading

March 20th, 1964

3rd Reading

May 7th, 1964

MR. DAVIS

1964

BILL 86

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Residential and Farm School Tax Assistance Grants Act, 1960-61

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The grants provided for under this Act will come under the general grant structure, and the regulations under the Act providing for reduction in taxation on residential and farm lands are transferred to *The Schools Administration Act.*

BILL 86 **1964**

An Act to repeal The Residential and Farm School Tax Assistance Grants Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Residential and Farm School Tax Assistance Grants Act, 1960-61* is repealed. 1960-61, c. 90, repealed

2. This Act shall be deemed to have come into force on the 1st day of January, 1964. Commencement

3. This Act may be cited as *The Residential and Farm School Tax Assistance Grants Repeal Act, 1964.* Short title

BILL 86

An Act to repeal The Residential and Farm School Tax Assistance Grants Act, 1960-61

1st Reading

March 12th, 1964

2nd Reading

3rd Reading

MR. DAVIS

1964

BILL 86

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to repeal The Residential and Farm School Tax Assistance Grants Act, 1960-61

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 86 **1964**

An Act to repeal The Residential and Farm School Tax Assistance Grants Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Residential and Farm School Tax Assistance Grants Act, 1960-61* is repealed. 1960-61, c. 90, repealed

2. This Act shall be deemed to have come into force on the 1st day of January, 1964. Commencement

3. This Act may be cited as *The Residential and Farm School Tax Assistance Grants Repeal Act, 1964.* Short title

An Act to repeal The Residential and Farm School Tax Assistance Grants Act, 1960-61

1st Reading

March 12th, 1964

2nd Reading

March 20th, 1964

3rd Reading

May 7th, 1964

MR. DAVIS

1964

BILL 87

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Separate Schools Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The provisions for separate schools for coloured pupils are removed, and the provisions respecting Protestant separate schools are revised.

BILL 87 **1964**

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part I of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, Part I (ss. 1-15), re-enacted

PART I

PROTESTANT SEPARATE SCHOOLS

Application to establish Protestant separate schools

1.—(1) Subject to subsection 3, five or more heads of families resident in a municipality and being Protestants may, before the 1st day of July in any year, apply in writing, in the case of a township, to the council of the township or, in the case of an urban municipality, to the public school board for permission to establish in the municipality one or more separate schools for Protestants.

Permission to establish

(2) Subject to subsection 3, the council or the public school board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants.

Restrictions on establishment

(3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics.

Location in township

2. Where a Protestant separate school is to be established in a township, the township council shall determine the location of the school.

Location in urban municipality

3. A Protestant separate school board in an urban municipality may operate one school in each ward, or one school to serve two or more wards.

Effective date

4. A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public school board, as the case may be.

Notice to be supporter, exemption from public school rates

5.—(1) Every person paying rates on property that he occupies as owner or tenant in a municipality in which a Protestant separate school is established, who, by himself or his agent, on or before the 30th day day of September in any year, gives to the clerk of the municipality notice in writing that he is a Protestant and that he wishes to be a Protestant separate school supporter, is exempt from the payment of all rates imposed on such property for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a Protestant separate school supporter with respect to such property.

No renewal required

(2) The notice is not required to be renewed annually.

Certificate of notice

(3) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

Penalty for wilful false statements in notice

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and liable to a fine of $40.

As to rates imposed before Protestant separate school established

(5) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the Protestant separate school.

Withdrawal of support

6. A Protestant separate school supporter who desires to withdraw his support from a Protestant separate school shall give notice thereof in writing to the clerk of the municipality in which he resides on or before the 30th day of September in any year, otherwise he shall be deemed to be a supporter of a Protestant separate school.

Index book

7.—(1) The clerk of each municipality in which a Protestant separate school is established shall keep an index book to record the names of Protestants

who wish to become supporters of a Protestant separate school in the same manner *mutatis mutandis* as is provided for the keeping of an index of Roman Catholics who wish to become supporters of a Roman Catholic separate school.

(2) The index book shall be open to inspection by any ratepayer. Inspection

(3) The clerk shall file and carefully preserve all notices given to the clerk of the municipality under sections 4 and 5. Filing of notices

(4) The assessor shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. Assessor to be guided by index

8.—(1) Protestant separate schools shall not share in money raised by local municipal assessment for public school purposes. Not to share in public school assessment

(2) Every Protestant separate school shall share in the legislative grants in like manner as a public school. Share of legislative grants

9.—(1) Every Protestant separate school board and principal of a Protestant separate school in a municipality shall transmit reports to the public school inspector of the municipality and to the Minister in such form and at such times as the inspector or the Minister may require. Reports

(2) The clerk or other officer of the municipality in which a Protestant separate school is established who has possession of the assessor's or collector's roll of the municipality shall allow any trustee or the authorized collector of the board to make a copy of the roll. Use of assessor's roll by board

10. Every person who is assessed as a Protestant separate school supporter and whose name appears on the voters' list of the municipality in which the land in respect of which he or she is assessed is situate, and the wife or husband of such supporter, if she or he is a Protestant, is entitled to vote at the election of trustees and on any school question. Qualification of a voter

11.—(1) A Protestant separate school trustee shall have the same qualifications as a public school trustee, except that he shall be a supporter of a Protestant separate school. Qualification of a trustee

Election of trustees

(2) A Protestant separate school board shall have the same number of trustees as a Roman Catholic separate school board would have if established in the same municipality, and the trustees may be elected in the same manner as Roman Catholic separate school trustees may be elected, and the provisions of Part II with respect to the election of trustees of Roman Catholic rural and urban separate schools apply *mutatis mutandis* to the election of trustees of Protestant rural and urban separate schools.

Corporate name of board

12. The trustees of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the (*City, Town, Village or Township*) of..... ".

Powers of board

R.S.O. 1960, c. 94

13. A Protestant separate school board has the same powers as a rural public school board in territory without municipal organization, and the regulations under *The Department of Education Act* with respect to elementary schools apply to every Protestant separate school board.

Discontinuing board

14. A Protestant separate school board is discontinued in the same manner as a Roman Catholic separate school board and may be re-established in the manner provided in section 1.

Application of ss. 28-31, 55-57

15. Sections 28 to 31 and 55 to 57 apply in respect of Protestant separate schools and Protestant separate school boards.

R.S.O. 1960, c. 368, s. 22, amended

2. Section 22 of *The Separate Schools Act*, as amended by section 2 of *The Separate Schools Amendment Act, 1960-61* and section 3 of *The Separate Schools Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Agreements between public and separate school boards

(12*a*) A separate school board and a public school board may by agreement provide that, where accommodation is available in the schools operated by the public school board, as certified by the public school inspector, the public school board shall furnish education in such course or courses as are not available in the separate schools operated by the separate school board for part or all of the pupils of such separate schools, and the separate school board shall pay to the public school board for each of such pupils a fee not in excess of the gross cost per pupil per day for the preceding year.

SECTION 2. Self-explanatory.

SECTION 3—Subsection 1. Subsection 5 is revised to bring it in line with similar provisions in the school Acts by giving the chairman a vote on any motion and by considering that a tie vote negatives a motion.

Subsection 2. The subsection is revised to clarify the procedure when there is a tie vote.

SECTION 4. The amendment provides that a vote to detach a school from a combined school must be held before the 1st day of July in any year.

SECTION 5—Subsection 1. The provisions for borrowing are deleted as they are now found in *The Schools Administration Act*.

3.—(1) Subsection 5 of section 27 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 5, re-enacted

(5) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion, and, in the case of a tie vote, the motion is deemed to be negatived. Chairman, duties

(2) Subsection 15 of the said section 27 is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 15, re-enacted

(15) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and, Counting votes, tie vote

(*a*) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and

(*b*) in the case of a tie vote on a question, the question is deemed to be negatived.

4. Subsection 3 of section 32*a* of *The Separate Schools Act*, as enacted by section 5 of *The Separate Schools Amendment Act, 1961-62*, is amended by inserting after "If" in the first line "before the 1st day of July in any year", so that the subsection shall read as follows: R.S.O. 1960 c. 368, s. 32*a* (1961-62, c. 132, s. 5), subs. 3, amended

(3) If, before the 1st day of July in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 27. When school detached

5.—(1) Clause *b* of subsection 3 of section 45 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 45, subs. 3, cl. *b*, re-enacted

(*b*) to arrange for the payment monthly of teachers' salaries. payment of salaries

R.S.O. 1960, c. 368, s. 45, subs. 3, cl. *d*, amended

(2) Clause *d* of subsection 3 of the said section 45 is amended by striking out "and dumb" in the fourth line, so that the clause shall read as follows:

report on deaf or blind

(*d*) to ascertain and report to the Minister, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf or blind.

R.S.O. 1960, c. 368, s. 49 (1962-63, c. 132, s. 8), subss. 1-3, re-enacted

6. Subsections 1, 2 and 3 of section 49 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63*, are repealed and the following substituted therefor:

Boundaries where zones overlap

(1) Where two or more separate school zones would otherwise overlap, the boundaries of the zones shall be determined by a separate school inspector designated by the Minister.

Inspector may alter boundaries

(2) Subject to subsection 3, the inspector, after consulting the boards concerned, may alter the boundaries of the separate school zones that overlap by attaching parcels of land within the area common to the zones so that,

(*a*) the boundaries may correspond in whole or in part to a municipal boundary;

(*b*) the adjoining parcels of a lot, subdivision or concession may form part of one zone; or

(*c*) all parcels of land in each zone are adjoining.

Boundaries to be continuous

(3) The boundary of every separate school zone shall follow a continuous line so that each parcel of land shall be part of the zone of which the centre is nearer than any other centre to the parcel.

R.S.O. 1960, c. 368, s. 53, subs. 1 (1961-62, c. 132, s. 8), amended

7. Subsection 1 of section 53 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1961-62*, is amended by striking out "give notice thereof in writing, on or before the 30th day of September" in the second, third and fourth lines and inserting in lieu thereof "on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year", so that the subsection shall read as follows:

Subsection 2. The amendment deletes "dumb" from the expression "deaf and dumb".

SECTION 6. The provisions authorizing a separate school inspector to alter boundaries of separate school zones where the zones overlap are revised to simplify the alteration of boundaries.

SECTION 7. The amendment is to make it clear that a notice of withdrawal of support is to be effective with respect to the year following the year in which the notice is given.

SECTION 8. The section repealed provides that trustees are personally responsible for school money lost to the board because of their neglect of duty.

(1) A Roman Catholic who desires to withdraw his support from a separate school shall, on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year, Notice of withdrawal of support

(*a*) where the separate school is situated in a municipality, to the clerk of the municipality; or

(*b*) where the separate school is situated in territory without municipal organization,

(i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or

(ii) if he does not reside in a school section, to the secretary of the separate school board;

otherwise he shall be deemed to be a supporter of the separate school.

8. Section 72 of *The Separate Schools Act* is repealed. R.S.O. 1960, c. 368, s. 72, repealed

9.—(1) This Act, except section 6, comes into force on the it receives Royal Assent. Commencement

(2) Section 6 shall be deemed to have come into force on the 26th day of April, 1963. Idem

10. This Act may be cited as *The Separate Schools Amendment Act, 1964.* Short title

BILL 87

An Act to amend The Separate Schools Act

1st Reading

March 12th, 1964

2nd Reading

3rd Reading

MR. DAVIS

1964

BILL 87

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Separate Schools Act

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The provisions for separate schools for coloured pupils are removed, and the provisions respecting Protestant separate schools are revised.

BILL 87 **1964**

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part I of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, Part I (ss. 1-15), re-enacted

PART I

PROTESTANT SEPARATE SCHOOLS

Application to establish Protestant separate schools

1.—(1) Subject to subsection 3, five or more heads of families resident in a municipality and being Protestants may, before the 1st day of July in any year, apply in writing, in the case of a township, to the council of the township or, in the case of an urban municipality, to the public school board for permission to establish in the municipality one or more separate schools for Protestants.

Permission to establish

(2) Subject to subsection 3, the council or the public school board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants.

Restrictions on establishment

(3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics.

Location in township

2. Where a Protestant separate school is to be established in a township, the township council shall determine the location of the school.

Location in urban municipality

3. A Protestant separate school board in an urban municipality may operate one school in each ward, or one school to serve two or more wards.

Effective date

4. A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public school board, as the case may be.

Notice to be supporter, exemption from public school rates

5.—(1) Every person paying rates on property that he occupies as owner or tenant in a municipality in which a Protestant separate school is established, who, by himself or his agent, on or before the 30th day day of September in any year, gives to the clerk of the municipality notice in writing that he is a Protestant and that he wishes to be a Protestant separate school supporter, is exempt from the payment of all rates imposed on such property for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a Protestant separate school supporter with respect to such property.

No renewal required

(2) The notice is not required to be renewed annually.

Certificate of notice

(3) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

Penalty for wilful false statements in notice

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and liable to a fine of $40.

As to rates imposed before Protestant separate school established

(5) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the Protestant separate school.

Withdrawal of support

6. A Protestant separate school supporter who desires to withdraw his support from a Protestant separate school shall give notice thereof in writing to the clerk of the municipality in which he resides on or before the 30th day of September in any year, otherwise he shall be deemed to be a supporter of a Protestant separate school.

Index book

7.—(1) The clerk of each municipality in which a Protestant separate school is established shall keep an index book to record the names of Protestants

who wish to become supporters of a Protestant separate school in the same manner *mutatis mutandis* as is provided for the keeping of an index of Roman Catholics who wish to become supporters of a Roman Catholic separate school.

(2) The index book shall be open to inspection by any ratepayer. Inspection

(3) The clerk shall file and carefully preserve all notices given to the clerk of the municipality under sections 4 and 5. Filing of notices

(4) The assessor shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. Assessor to be guided by index

8.—(1) Protestant separate schools shall not share in money raised by local municipal assessment for public school purposes. Not to share in public school assessment

(2) Every Protestant separate school shall share in the legislative grants in like manner as a public school. Share of legislative grants

9.—(1) Every Protestant separate school board and principal of a Protestant separate school in a municipality shall transmit reports to the public school inspector designated by the Minister and to the Minister in such form and at such times as the inspector or the Minister may require. Reports

(2) The clerk or other officer of the municipality in which a Protestant separate school is established who has possession of the assessor's or collector's roll of the municipality shall allow any trustee or the authorized collector of the board to make a copy of the roll. Use of assessor's roll by board

10. Every person who is assessed as a Protestant separate school supporter and whose name appears on the voters' list of the municipality in which the land in respect of which he or she is assessed is situate, and the wife or husband of such supporter, if she or he is a Protestant, is entitled to vote at the election of trustees and on any school question. Qualification of a voter

11.—(1) A Protestant separate school trustee shall have the same qualifications as a public school trustee, except that he shall be a supporter of a Protestant separate school. Qualification of a trustee

Election of trustees

(2) A Protestant separate school board shall have the same number of trustees as a Roman Catholic separate school board would have if established in the same municipality, and the trustees may be elected in the same manner as Roman Catholic separate school trustees may be elected, and the provisions of Part II with respect to the election of trustees of Roman Catholic rural and urban separate schools apply *mutatis mutandis* to the election of trustees of Protestant rural and urban separate schools.

Corporate name of board

12. The trustees of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the (*City, Town, Village or Township*) of..... ".

Powers of board

R.S.O. 1960, c. 94

13. A Protestant separate school board has the same powers as a rural public school board in territory without municipal organization, and the regulations under *The Department of Education Act* with respect to elementary schools apply to every Protestant separate school board.

Discontinuing board

14. A Protestant separate school board is discontinued in the same manner as a Roman Catholic separate school board and may be re-established in the manner provided in section 1.

Application of ss. 28-31, 55-57

15. Sections 28 to 31 and 55 to 57 apply in respect of Protestant separate schools and Protestant separate school boards.

R.S.O. 1960, c. 368, s. 22, amended

2. Section 22 of *The Separate Schools Act*, as amended by section 2 of *The Separate Schools Amendment Act, 1960-61* and section 3 of *The Separate Schools Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Agreements between public and separate school boards

(12*a*) A separate school board and a public school board may by agreement provide that, where accommodation is available in the schools operated by the public school board, as certified by the public school inspector, the public school board shall furnish education in such course or courses as are not available in the separate schools operated by the separate school board for part or all of the pupils of such separate schools, and the separate school board shall pay to the public school board for each of such pupils a fee not in excess of the gross cost per pupil per day for the preceding year.

SECTION 2. Self-explanatory.

SECTION 3—Subsection 1. Subsection 5 is revised to bring it in line with similar provisions in the school Acts by giving the chairman a vote on any motion and by considering that a tie vote negatives a motion.

Subsection 2. The subsection is revised to clarify the procedure when there is a tie vote.

SECTION 4. The amendment provides that a vote to detach a school from a combined school must be held before the 1st day of July in any year.

SECTION 5—Subsection 1. The provisions for borrowing are deleted as they are now found in *The Schools Administration Act.*

3.—(1) Subsection 5 of section 27 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 5, re-enacted

(5) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion, and, in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected, and, in the case of a tie vote on a question, the question is deemed to be negatived. Chairman, duties

(2) Subsection 15 of the said section 27 is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 15, re-enacted

(15) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and, Counting votes, tie vote

(*a*) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and

(*b*) in the case of a tie vote on a question, the question is deemed to be negatived.

4. Subsection 3 of section 32*a* of *The Separate Schools Act*, as enacted by section 5 of *The Separate Schools Amendment Act, 1961-62*, is amended by inserting after "If" in the first line "before the 1st day of July in any year", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 32*a* (1961-62, c. 132, s. 5), subs. 3, amended

(3) If, before the 1st day of July in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 27. When school detached

5.—(1) Clause *b* of subsection 3 of section 45 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 45, subs. 3, cl. *b*, re-enacted

(*b*) to arrange for the payment monthly of teachers' salaries. payment of salaries

R.S.O. 1960, c. 368, s. 45, subs. 3, cl. *d*, amended

(2) Clause *d* of subsection 3 of the said section 45 is amended by striking out "and dumb" in the fourth line, so that the clause shall read as follows:

report on deaf or blind

(*d*) to ascertain and report to the Minister, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf or blind.

R.S.O. 1960, c. 368, s. 48 (1962-63, c. 132, s. 8), subs. 8. re-enacted

6. Subsection 8 of section 48 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Urban separate school zone

(8) Subject to section 49, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is within a radius of three miles from a centre in the urban municipality and that is within an urban municipality in which a separate school board has not been established or within a township.

R.S.O. 1960, c. 368, s. 49 (1962-63, c. 132, s. 8), subss. 1-3, re-enacted; subs. 4, repealed

7. Subsections 1, 2, 3 and 4 of section 49 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63*, are repealed and the following substituted therefor:

Boundaries where zones overlap in township, etc.

(1) Where two or more separate school zones would otherwise overlap in a township or in territory without municipal organization, the inspector shall, after he has consulted with the boards involved, determine a boundary between each of the zones in the township or territory.

When alteration effective

(2) A boundary in the overlapping area may be altered before the 1st day of July in any year, and such alteration shall be effective on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be effective on the day of nomination for trustees.

Appeal

(3) A separate school board or a separate school supporter affected by the determination of the inspector may appeal the determination to the county judge before the 1st day of August following the determination.

R.S.O. 1960, c. 368, s. 53, subs. 1 (1961-62, c. 132, s. 8), amended

8. Subsection 1 of section 53 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1961-62*, is amended by striking out "give notice thereof in writing, on or before the 30th day of September"

Subsection 2. The amendment deletes "dumb" from the expression "deaf and dumb".

SECTION 6. The amendment provides that an urban separate school zone must include the urban municipality in which the separate school is established and may include any parcel of land that is within a three-mile radius of a centre in the urban municipality and that is in an urban municipality in which no separate school has been established or in a township.

SECTION 7. The provisions authorizing a separate school inspector to alter boundaries of separate school zones where the zones overlap are revised to simplify the alteration of boundaries.

SECTION 8. The amendment is to make it clear that a notice of withdrawal of support is to be effective with respect to the year following the year in which the notice is given.

SECTION 9. The section repealed provides that trustees are personally responsible for school money lost to the board because of their neglect of duty.

in the second, third and fourth lines and inserting in lieu thereof "on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year", so that the subsection shall read as follows:

(1) A Roman Catholic who desires to withdraw his support from a separate school shall, on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year, Notice of withdrawal of support

(*a*) where the separate school is situated in a municipality, to the clerk of the municipality; or

(*b*) where the separate school is situated in territory without municipal organization,

(i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or

(ii) if he does not reside in a school section, to the secretary of the separate school board;

otherwise he shall be deemed to be a supporter of the separate school.

9. Section 72 of *The Separate Schools Act* is repealed. R.S.O. 1960, c. 368, s. 72, repealed

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The Separate Schools Amendment Act, 1964.* Short title

An Act to amend The Separate Schools Act

1st Reading

March 12th, 1964

2nd Reading

March 20th, 1964

3rd Reading

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

1964

BILL 87

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Separate Schools Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 87 1964

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part I of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, Part I (ss. 1-15), re-enacted

PART I

PROTESTANT SEPARATE SCHOOLS

Application to establish Protestant separate schools

1.—(1) Subject to subsection 3, five or more heads of families resident in a municipality and being Protestants may, before the 1st day of July in any year, apply in writing, in the case of a township, to the council of the township or, in the case of an urban municipality, to the public school board for permission to establish in the municipality one or more separate schools for Protestants.

Permission to establish

(2) Subject to subsection 3, the council or the public school board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants.

Restrictions on establishment

(3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics.

Location in township

2. Where a Protestant separate school is to be established in a township, the township council shall determine the location of the school.

Location in urban municipality

3. A Protestant separate school board in an urban municipality may operate one school in each ward, or one school to serve two or more wards.

Effective date

4. A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public school board, as the case may be.

Notice to be supporter, exemption from public school rates

5.—(1) Every person paying rates on property that he occupies as owner or tenant in a municipality in which a Protestant separate school is established, who, by himself or his agent, on or before the 30th day day of September in any year, gives to the clerk of the municipality notice in writing that he is a Protestant and that he wishes to be a Protestant separate school supporter, is exempt from the payment of all rates imposed on such property for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a Protestant separate school supporter with respect to such property.

No renewal required

(2) The notice is not required to be renewed annually.

Certificate of notice

(3) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

Penalty for wilful false statements in notice

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and liable to a fine of $40.

As to rates imposed before Protestant separate school established

(5) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the Protestant separate school.

Withdrawal of support

6. A Protestant separate school supporter who desires to withdraw his support from a Protestant separate school shall give notice thereof in writing to the clerk of the municipality in which he resides on or before the 30th day of September in any year, otherwise he shall be deemed to be a supporter of a Protestant separate school.

Index book

7.—(1) The clerk of each municipality in which a Protestant separate school is established shall keep an index book to record the names of Protestants

who wish to become supporters of a Protestant separate school in the same manner *mutatis mutandis* as is provided for the keeping of an index of Roman Catholics who wish to become supporters of a Roman Catholic separate school.

(2) The index book shall be open to inspection by any ratepayer. Inspection

(3) The clerk shall file and carefully preserve all notices given to the clerk of the municipality under sections 4 and 5. Filing of notices

(4) The assessor shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. Assessor to be guided by index

8.—(1) Protestant separate schools shall not share in money raised by local municipal assessment for public school purposes. Not to share in public school assessment

(2) Every Protestant separate school shall share in the legislative grants in like manner as a public school. Share of legislative grants

9.—(1) Every Protestant separate school board and principal of a Protestant separate school in a municipality shall transmit reports to the public school inspector designated by the Minister and to the Minister in such form and at such times as the inspector or the Minister may require. Reports

(2) The clerk or other officer of the municipality in which a Protestant separate school is established who has possession of the assessor's or collector's roll of the municipality shall allow any trustee or the authorized collector of the board to make a copy of the roll. Use of assessor's roll by board

10. Every person who is assessed as a Protestant separate school supporter and whose name appears on the voters' list of the municipality in which the land in respect of which he or she is assessed is situate, and the wife or husband of such supporter, if she or he is a Protestant, is entitled to vote at the election of trustees and on any school question. Qualification of a voter

11.—(1) A Protestant separate school trustee shall have the same qualifications as a public school trustee, except that he shall be a supporter of a Protestant separate school. Qualification of a trustee

Election of trustees

(2) A Protestant separate school board shall have the same number of trustees as a Roman Catholic separate school board would have if established in the same municipality, and the trustees may be elected in the same manner as Roman Catholic separate school trustees may be elected, and the provisions of Part II with respect to the election of trustees of Roman Catholic rural and urban separate schools apply *mutatis mutandis* to the election of trustees of Protestant rural and urban separate schools.

Corporate name of board

12. The trustees of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the (*City, Town, Village or Township*) of..... ".

Powers of board

13. A Protestant separate school board has the same powers as a rural public school board in territory without municipal organization, and the regulations under *The Department of Education Act* with respect to elementary schools apply to every Protestant separate school board.

R.S.O. 1960, c. 94

Discontinuing board

14. A Protestant separate school board is discontinued in the same manner as a Roman Catholic separate school board and may be re-established in the manner provided in section 1.

Application of ss. 28-31, 55-57

15. Sections 28 to 31 and 55 to 57 apply in respect of Protestant separate schools and Protestant separate school boards.

R.S.O. 1960, c. 368, s. 22, amended

2. Section 22 of *The Separate Schools Act*, as amended by section 2 of *The Separate Schools Amendment Act, 1960-61* and section 3 of *The Separate Schools Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Agreements between public and separate school boards

(12*a*) A separate school board and a public school board may by agreement provide that, where accommodation is available in the schools operated by the public school board, as certified by the public school inspector, the public school board shall furnish education in such course or courses as are not available in the separate schools operated by the separate school board for part or all of the pupils of such separate schools, and the separate school board shall pay to the public school board for each of such pupils a fee not in excess of the gross cost per pupil per day for the preceding year.

3.—(1) Subsection 5 of section 27 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 5, re-enacted

(5) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion, and, in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected, and, in the case of a tie vote on a question, the question is deemed to be negatived. Chairman, duties

(2) Subsection 15 of the said section 27 is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 15, re-enacted

(15) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and, Counting votes, tie vote

(*a*) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and

(*b*) in the case of a tie vote on a question, the question is deemed to be negatived.

4. Subsection 3 of section 32*a* of *The Separate Schools Act*, as enacted by section 5 of *The Separate Schools Amendment Act, 1961-62*, is amended by inserting after "If" in the first line "before the 1st day of July in any year", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 32*a* (1961-62, c. 132, s. 5), subs. 3, amended

(3) If, before the 1st day of July in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 27. When school detached

5.—(1) Clause *b* of subsection 3 of section 45 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 45, subs. 3, cl. *b*, re-enacted

(*b*) to arrange for the payment monthly of teachers' salaries. payment of salaries

R.S.O. 1960, c. 368, s. 45, subs. 3, cl. *d*, amended

(2) Clause *d* of subsection 3 of the said section 45 is amended by striking out "and dumb" in the fourth line, so that the clause shall read as follows:

report on deaf or blind

(*d*) to ascertain and report to the Minister, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf or blind.

R.S.O. 1960, c. 368, s. 48 (1962-63, c. 132, s. 8), subs. 8, re-enacted

6. Subsection 8 of section 48 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Urban separate school zone

(8) Subject to section 49, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is within a radius of three miles from a centre in the urban municipality and that is within an urban municipality in which a separate school board has not been established or within a township.

R.S.O. 1960, c. 368, s. 49 (1962-63, c. 132, s. 8), subss. 1-3, re-enacted; subs. 4, repealed

7. Subsections 1, 2, 3 and 4 of section 49 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63*, are repealed and the following substituted therefor:

Boundaries where zones overlap in township, etc.

(1) Where two or more separate school zones would otherwise overlap in a township or in territory without municipal organization, the inspector shall, after he has consulted with the boards involved, determine a boundary between each of the zones in the township or territory.

When alteration effective

(2) A boundary in the overlapping area may be altered before the 1st day of July in any year, and such alteration shall be effective on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be effective on the day of nomination for trustees.

Appeal

(3) A separate school board or a separate school supporter affected by the determination of the inspector may appeal the determination to the county judge before the 1st day of August following the determination.

R.S.O. 1960, c. 368, s. 53, subs. 1 (1961-62, c. 132, s. 8), amended

8. Subsection 1 of section 53 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1961-62*, is amended by striking out "give notice thereof in writing, on or before the 30th day of September"

in the second, third and fourth lines and inserting in lieu thereof "on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year", so that the subsection shall read as follows:

(1) A Roman Catholic who desires to withdraw his support from a separate school shall, on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year, Notice of withdrawal of support

(*a*) where the separate school is situated in a municipality, to the clerk of the municipality; or

(*b*) where the separate school is situated in territory without municipal organization,

(i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or

(ii) if he does not reside in a school section, to the secretary of the separate school board;

otherwise he shall be deemed to be a supporter of the separate school.

9. Section 72 of *The Separate Schools Act* is repealed. R.S.O. 1960, c. 368, s. 72, repealed

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The Separate Schools Amendment Act, 1964.* Short title

An Act to amend The Separate Schools Act

1st Reading

March 12th, 1964

2nd Reading

March 20th, 1964

3rd Reading

May 7th, 1964

Mr. Davis

1964

BILL 88

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1—Subsection 1. The subsection, which defines population of a county or municipality, is transferred to *The Schools Administration Act.*

Subsection 2. The amendment is to enable self-supporting adult students to qualify as resident pupils.

Section 2. The amendment is to make it clear that a trustee may be a member of a planning board.

Section 3. The power of boards to borrow has been placed under Part X of *The Schools Administration Act.*

BILL 88 **1964**

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960, c. 362, s. 1, subs. 1, repealed

(2) Subsection 2 of the said section 1, as amended by subsection 1 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is further amended by adding "or" at the end of clause *b* in the amendment of 1960-61 and by adding thereto the following clause: R.S.O. 1960, c. 362, s. 1, subs. 2, amended

(*c*) if he is over twenty-one years of age and resides and is assessed in the high school district or has resided in the high school district for the twelve months immediately before his admission to a secondary school.

2. Clause *a* of subsection 2 of section 21 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is amended by inserting after "board" in the third line "except a planning board", so that the clause shall read as follows: R.S.O. 1960, c. 362, s. 21 (1962-63, c. 130, s. 5), subs. 2, cl. *a*, amended

(*a*) who is a member of any other elementary or secondary school board or of the council or local board, except a planning board, of a municipality or county all or part of which is included in the high school district, unless before his appointment he has filed his resignation with the secretary of the other board or with the clerk of the municipality or county, as the case may be.

3. Subsection 2 of section 26 of *The Secondary Schools and Boards of Education Act* is amended by striking out "may borrow money as provided in section 37 and" in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960, c. 362, s. 26, subs. 2, amended

Powers and duties

(2) The board shall exercise the powers and duties of a municipal council for that part of the high school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, assessing, court of revision, levying rates, collecting taxes and issuing debentures, for secondary school purposes.

R.S.O. 1960, c. 362, s. 35, subs. 6, amended

4.—(1) Subsection 6 of section 35 of *The Secondary Schools and Boards of Education Act* is amended by inserting after "municipalities" in the second line "in a county" and by striking out "subsections 1 to 5" in the third line and inserting in lieu thereof "subsection 1, 2 or 5", so that the subsection shall read as follows:

Request for arbitration

(6) Subject to subsection 12, where the council of one of the municipalities in a county is of the opinion that the division of liability in accordance with subsection 1, 2 or 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 96 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960, c. 23

R.S.O. 1960, c. 362, s. 35, amended

(2) The said section 35 is amended by adding thereto the following subsection:

by municipalities in territorial districts

(6*a*) Subject to subsection 12, where the council of a municipality in a territorial district is of the opinion that the division of liability in accordance with subsection 3 or 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district, within fifteen days after the assessment rolls of all the municipalities concerned have been revised by the court of revision, for an arbitration to determine the proportion of the liability each municipality shall bear in the following year.

R.S.O. 1960, c. 362, s. 37, repealed

5. Section 37 of *The Secondary Schools and Boards of Education Act* is repealed.

R.S.O. 1960, c. 362, s. 42, subs. 3 (1961-62, c. 131, s. 4), cls. *b*, *c*, re-enacted

6.—(1) Clauses *b* and *c* of subsection 3, as re-enacted by section 4 of *The Secondary Schools and Boards of Education*

SECTION 4. The provisions for municipalities in territorial districts to apply for arbitration to determine the proportion of liability each municipality shall bear are clarified.

SECTION 5. The power of boards to borrow has been placed under Part X of *The Schools Administration Act.*

SECTION 6. The amendments remove the requirements that industries represented on an advisory vocational committee be in the high school district.

SECTION 7. The section is revised to clarify the qualifications of members of advisory vocational committees.

Amendment Act, 1961-62, of section 42 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

(*b*) one person, appointed by the board, who is an employee in manufacturing, agricultural, commercial or other industry; and

(*c*) one person, appointed by the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry.

R.S.O. 1960, c. 362, s. 42, subs. 4 (1961-62, c. 131, s. 4), cls. *b*, *c*, re-enacted

(2) Clauses *b* and *c* of subsection 4, as re-enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of the said section 42 are repealed and the following substituted therefor:

(*b*) two persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and

(*c*) two persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries.

R.S.O. 1960 c. 362, s. 42, subs. 5 (1961-62, c. 131, s. 4), cls. *b*, *c*, re-enacted

(3) Clauses *b* and *c* of subsection 5, as re-enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of the said section 42 are repealed and the following substituted therefor:

(*b*) three persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and

(*c*) three persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries.

R.S.O. 1960, c 362, s. 45, re-enacted

7. Section 45 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Qualifications of members

45. The appointed members and co-opted members of the advisory vocational committee shall, in addition to their technical or business qualifications, have the qualifications required for the members of the board by which they are appointed.

R.S.O. 1960, c. 362, s. 46, subss. 1, 2, re-enacted

8. Subsections 1 and 2 of section 46 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Powers of committee

(1) The advisory vocational committee shall make recommendations to the board with respect to a suitable site, building and equipment, or for the conducting of a school in another building in the high school district, and with respect to courses of study.

Idem

(2) The advisory vocational committee shall make recommendations to the board with respect to the selection and salary schedules of vocational teachers and shall co-operate with the building, education, finance, property, salary and other committees of the board in all matters affecting vocational education in the vocational and composite schools under the jurisdiction of the board.

R.S.O. 1960, c. 362, s. 51, subs. 4, amended

9.—(1) Subsection 4 of section 51 of *The Secondary Schools and Boards of Education Act* is amended by striking out "or 5" in the second line, so that the subsection shall read as follows:

Board in unorganized territory

(4) Where a high school district has been established under subsection 4 of section 12, the Lieutenant Governor in Council may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part apply to the board.

R.S.O. 1960, c. 362, s. 51, amended

(2) The said section 51 is amended by adding thereto the following subsection:

Board for high school district on exempt lands

(4*a*) Where a high school district has been established under subsection 5 of section 12, the Minister may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part apply to the board.

R.S.O. 1960, c. 362, s. 55, subs. 1, cl. *a*, re enacted

10. Clause *a* of subsection 1 of section 55 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

SECTION 8 The subsections are re-enacted to clarify the powers of the advisory vocational committee.

SECTION 9. The amendments permit the establishment by the Minister of a board of education on land exempt from taxation that has been designated by the Minister as a high school district.

SECTION 10. At present, where a board of education is established for two municipalities, a municipality having a population of less than 1,000 is entitled to two members on the board. The amendment provides that a municipality having a population of less than 500 is entitled to one member and a municipality having a population of from 500 to 1,000 is entitled to two members.

SECTION 11. The provisions respecting union boards of education were repealed at the 1962-63 session. The reference to such boards in section 64 is therefore deleted.

(*a*) of less than 500 shall elect one member;

(*aa*) of 500 or more but less than 1,000 shall elect two members.

11. Section 64 of *The Secondary Schools and Boards of Education Act* is amended by striking out "or union boards of education" in the fifth line, so that the section shall read as follows: R.S.O. 1960, c. 362, s. 64, amended

64. The provisions of *The Public Schools Act* and Parts II and III that are not inconsistent with this Part shall be read as part of this Part and so far as such provisions are inconsistent with the provisions of this Part they do not apply to boards of education. Application of R.S.O. 1960, c. 330

12.—(1) This Act, except subsection 2 of section 1, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 2 of section 1 shall be deemed to have come into force on the 1st day of January, 1964. Idem

13. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1964 (No. 2)*. Short title

BILL 88

An Act to amend The Secondary Schools and Boards of Education Act

1st Reading

March 12th, 1964

2nd Reading

3rd Reading

MR. DAVIS

1964

BILL 88

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 88 **1964**

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960, c. 362, s. 1, subs. 1, repealed

(2) Subsection 2 of the said section 1, as amended by subsection 1 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is further amended by adding "or" at the end of clause *b* in the amendment of 1960-61 and by adding thereto the following clause: R.S.O. 1960, c. 362, s. 1, subs. 2, amended

(*c*) if he is over twenty-one years of age and resides and is assessed in the high school district or has resided in the high school district for the twelve months immediately before his admission to a secondary school.

2. Clause *a* of subsection 2 of section 21 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is amended by inserting after "board" in the third line "except a planning board", so that the clause shall read as follows: R.S.O. 1960, c. 362, s. 21 (1962-63, c. 130, s. 5), subs. 2, cl. *a*, amended

(*a*) who is a member of any other elementary or secondary school board or of the council or local board, except a planning board, of a municipality or county all or part of which is included in the high school district, unless before his appointment he has filed his resignation with the secretary of the other board or with the clerk of the municipality or county, as the case may be.

3. Subsection 2 of section 26 of *The Secondary Schools and Boards of Education Act* is amended by striking out "may borrow money as provided in section 37 and" in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960, c. 362, s. 26, subs. 2, amended

Powers and duties

(2) The board shall exercise the powers and duties of a municipal council for that part of the high school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, assessing, court of revision, levying rates, collecting taxes and issuing debentures, for secondary school purposes.

R.S.O. 1960, c. 362, s. 35, subs. 6, amended

4.—(1) Subsection 6 of section 35 of *The Secondary Schools and Boards of Education Act* is amended by inserting after "municipalities" in the second line "in a county" and by striking out "subsections 1 to 5" in the third line and inserting in lieu thereof "subsection 1, 2 or 5", so that the subsection shall read as follows:

Request for arbitration

(6) Subject to subsection 12, where the council of one of the municipalities in a county is of the opinion that the division of liability in accordance with subsection 1, 2 or 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 96 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960, c. 23

R.S.O. 1960, c. 362, s. 35, amended

(2) The said section 35 is amended by adding thereto the following subsection:

by municipalities in territorial districts

(6*a*) Subject to subsection 12, where the council of a municipality in a territorial district is of the opinion that the division of liability in accordance with subsection 3 or 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district, within fifteen days after the assessment rolls of all the municipalities concerned have been revised by the court of revision, for an arbitration to determine the proportion of the liability each municipality shall bear in the following year.

R.S.O. 1960, c. 362, s. 37, repealed

5. Section 37 of *The Secondary Schools and Boards of Education Act* is repealed.

R.S.O. 1960, c. 362, s. 42, subs. 3 (1961-62, c. 131, s. 4), cls. *b*, *c*, re-enacted

6.—(1) Clauses *b* and *c* of subsection 3, as re-enacted by section 4 of *The Secondary Schools and Boards of Education*

Amendment Act, 1961-62, of section 42 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

(*b*) one person, appointed by the board, who is an employee in manufacturing, agricultural, commercial or other industry; and

(*c*) one person, appointed by the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry.

(2) Clauses *b* and *c* of subsection 4, as re-enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of the said section 42 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 42, subs. 4 (1961-62, c. 131, s. 4), cls. *b*, *c*, re-enacted

(*b*) two persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and

(*c*) two persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries.

(3) Clauses *b* and *c* of subsection 5, as re-enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, of the said section 42 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 42, subs. 5 (1961-62, c. 131, s. 4), cls. *b*, *c*, re-enacted

(*b*) three persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and

(*c*) three persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries.

7. Section 45 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 45, re-enacted

45. The appointed members and co-opted members of the advisory vocational committee shall, in addition to their technical or business qualifications, have the qualifications required for the members of the board by which they are appointed. Qualifications of members

R.S.O. 1960, c. 362, s. 46, subss. 1, 2, re-enacted

8. Subsections 1 and 2 of section 46 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Powers of committee

(1) The advisory vocational committee shall make recommendations to the board with respect to a suitable site, building and equipment, or for the conducting of a school in another building in the high school district, and with respect to courses of study.

Idem

(2) The advisory vocational committee shall make recommendations to the board with respect to the selection and salary schedules of vocational teachers and shall co-operate with the building, education, finance, property, salary and other committees of the board in all matters affecting vocational education in the vocational and composite schools under the jurisdiction of the board.

R.S.O. 1960, c. 362, s. 51, subs. 4, amended

9.—(1) Subsection 4 of section 51 of *The Secondary Schools and Boards of Education Act* is amended by striking out "or 5" in the second line, so that the subsection shall read as follows:

Board in unorganized territory

(4) Where a high school district has been established under subsection 4 of section 12, the Lieutenant Governor in Council may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part apply to the board.

R.S.O. 1960, c. 362, s. 51, amended

(2) The said section 51 is amended by adding thereto the following subsection:

Board for high school district on exempt lands

(4*a*) Where a high school district has been established under subsection 5 of section 12, the Minister may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part apply to the board.

R.S.O. 1960, c. 362, s. 55, subs. 1, cl. *a*, re-enacted

10. Clause *a* of subsection 1 of section 55 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

(*a*) of less than 500 shall elect one member;

(*aa*) of 500 or more but less than 1,000 shall elect two members.

11. Section 64 of *The Secondary Schools and Boards of Education Act* is amended by striking out "or union boards of education" in the fifth line, so that the section shall read as follows: R.S.O. 1960, c. 362, s. 64, amended

64. The provisions of *The Public Schools Act* and Parts II and III that are not inconsistent with this Part shall be read as part of this Part and so far as such provisions are inconsistent with the provisions of this Part they do not apply to boards of education. Application of R.S.O. 1960, c. 330

12.—(1) This Act, except subsection 2 of section 1, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 2 of section 1 shall be deemed to have come into force on the 1st day of January, 1964. Idem

13. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1964 (No. 2)*. Short title

An Act to amend The Secondary Schools and Boards of Education Act

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1st Reading

March 12th, 1964

2nd Reading

March 20th, 1964

3rd Reading

May 7th, 1964

MR. DAVIS

1964

BILL 89

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Schools Administration Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The definition of population is transferred from *The Secondary Schools and Boards of Education Act* to *The Schools Administration Act.*

Section 2. The amendments provide credit for sick leave for permanent, probationary and temporary teachers.

BILL 89 **1964**

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Schools Administration Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 361, s. 1, subs. 2, amended

26*a*. "population of a county or municipality or a portion thereof" means the population determined by reference to the last revised assessment roll of the municipality or municipalities concerned, less the number of inmates in public institutions in each municipality or portion thereof concerned as certified by the clerk of each municipality concerned.

2.—(1) Subsection 4 of section 17 of *The Schools Administration Act* is amended by inserting after "a" in the first line "permanent or probationary", so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 17, subs. 4, amended

(4) Subject to subsection 5, a permanent or probationary teacher is entitled to his salary for a total of twenty school days in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of such sickness or such tooth or gum condition. Payment for absence due to illness or dental condition

(2) The said section 17 is amended by adding thereto the following subsection: R.S.O. 1960, c. 361, s. 17, amended

(4*a*) Subject to subsection 5, a temporary teacher is entitled to his salary for two days in respect of each month of his employment in any school year in Idem

respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than such two days absence from duty on account of such sickness or such tooth or gum condition.

R.S.O. 1960, c. 361, s. 19, subs. 2, repealed

3. Subsection 2 of section 19 of *The Schools Administration Act* is repealed.

R.S.O. 1960, c. 361, s. 22, subs. 2, cl. *f*, re-enacted

4. Clause *f* of subsection 2 of section 22 of *The Schools Administration Act* is repealed and the following substituted therefor:

unauthorized texts

(*f*) to prevent the use by pupils of text-books that are not approved under the regulations.

R.S.O. 1960, c. 361, s. 23, subss. 2-4, repealed

5. Subsections 2, 3 and 4 of section 23 of *The Schools Administration Act* are repealed.

R.S.O. 1960, c. 361, s. 34, amended

6. Section 34 of *The Schools Administration Act* is amended by adding thereto the following paragraph:

provide text-books

11. provide, without charge, for the use of the pupils attending the school or schools operated by the board, the text-books that are required by the regulations to be purchased by the board.

R.S.O. 1960, c. 361, s. 35, amended

7. Section 35 of *The Schools Administration Act*, as amended by section 2 of *The Schools Administration Amendment Act, 1960-61* and section 2 of *The Schools Administration Amendment Act, 1962-63*, is further amended by adding thereto the following paragraphs:

children in charitable organizations

33. employ and pay teachers, when so requested in writing by a charitable organization having the charge of children of school age, for the education of such children, whether such children are being educated in premises within or beyond the limits of the jurisdiction of the board, and pay for and furnish school supplies for their use, and any children being so educated are subject to this Act, *The Public Schools Act*, *The Separate Schools Act*, *The Secondary Schools and Boards of Education Act* and the regulations;

R.S.O. 1960, cc. 330, 368, 362

accident and public liability insurance re work-experience programmes

34. where, in co-operation with business and industry, a board provides for pupils' training programmes designed to supplement the courses given in its

SECTION 3. Subsection 2 dealing with the examinations and certificates of qualifications of separate school teachers is no longer required and is, therefore, repealed.

SECTION 4. Clause *f* is re-enacted to refer to text-books approved under the regulations instead of authorized by the regulations.

SECTION 5. The grants paid by municipalities and the Department of Education for teachers' institutes were discontinued prior to 1940. The provisions authorizing the payments are repealed.

SECTION 6. The new clause will require school boards to supply text-books for the use of pupils without charge.

SECTION 7. The provisions in paragraph 33 are transferred from section 75 of *The Public Schools Act* and will hereafter apply to all school boards.

Paragraph 34 is new and authorizes school boards to provide accident insurance payable to parents in case of accidents to pupils while they are participating in work-experience programmes, and public liability insurance to insure such pupils and the boards against loss or damage to the person or property of others while such pupils are participating in such programmes.

SECTION 8. The new provisions authorize public and separate school boards to provide transportation for pupils who live in territory without municipal organization.

SECTION 9. The requirement under subsection 6 for the designation of a municipal inspectorate for secondary school purposes is now based on the number of teachers. Hereafter, it will be based on the average attendance of pupils.

Subsection 7 is new and provides for the appointment of separate school inspectors.

SECTION 10. The regulations under *The Residential and Farm School Tax Assistance Grants Act, 1960-61*, providing for a reduction of school taxes on residential and farm property, are transferred to *The Schools Administrations Act*.

schools, the board may provide, by contract with an insurer under *The Insurance Act*, accident insurance to indemnify such pupils against loss in case they are accidently injured while participating in such a programme and public liability insurance to insure such pupils and the board against loss or damage to the person or property of others while the pupils are participating in such a programme. R.S.O. 1960, c. 190

8. Section 37 of *The Schools Administration Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 361, s. 37, amended

(*2a*) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates. Pupils in unorganized territory

(*2b*) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a separate school zone, to a school that the board operates. Idem

9. Subsection 6 of section 81 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 81, subs. 6, re-enacted

(6) Where the average attendance of pupils in the secondary schools operated by a high school board or board of education in any year is 3,000 or more, the board may request the Minister to designate the high school district as a municipal inspectorate for secondary school purposes, and, if the request is granted, the board shall, on or before the 1st day of July of the following year, appoint one or more secondary school inspectors, whose appointment or removal is not effective until approved by the Minister. Secondary school inspectors

(7) Where the average attendance of pupils in the separate schools operated by a board in a separate school zone in any year is 40,000 or more, the board may request the Minister to designate the separate school zone as a municipal inspectorate, and, if the request is granted, the board shall, on or before the 1st day of July of the following year, appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister. Separate school inspectors

10. *The Schools Administration Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 361, amended

PART XI

REDUCTION OF SCHOOL TAXES ON RESIDENTIAL AND FARM ASSESSMENT

Interpretation

101. In this Part,

(*a*) "commercial assessment" means,

(i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and

(ii) business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines, and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

(*b*) "residential and farm assessment" means the assessment for real property except the assessment for real property mentioned in subclauses i and iii of clause *a*, according to the last revised assessment roll.

Data furnished by the municipality

102.—(1) The clerk of a municipality shall in each year furnish to each school board having jursidiction in the municipality, or any parts thereof, information respecting the total of the commercial assessments and of the residential and farm assessments on which rates for the support of the board will be levied in that year and the amount due and payable in the current year for debt charges on debentures issued by the municipality in respect of the board.

by clerk of county

(2) Where a county has issued debentures for the purposes of a board, the clerk of the county shall in each year furnish information to the board respecting the amount due and payable in the current year for debt charges on such debentures.

103.—(1) For the purposes of determining the rates, every school board in preparing its estimates shall include the amount of debt charges due in the current year in respect of the board. Estimates for basis of rates

(2) Every board that is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization shall apportion its estimates as determined under subsection 1 in accordance with the provisions of the Act under which the board operates. Apportionment of estimates

104.—(1) Every public and secondary school board shall submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined in section 103. Submission of estimates of board to council

(2) Where the board is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization, it shall indicate to the council of each municipality concerned the amount of the estimates that is to apply to that municipality. Idem

105.—(1) Rates to be levied for each school board in each municipality and territory without municipal organization shall be determined in the following manner: Determination of rates

1. Add 90 per cent of the residential and farm assessment to the commercial assessment.

2. Multiply the amount estimated by the board in section 103 to be raised by taxation in the municipality or territory without municipal organization by 1000 and divide the product by the total determined under paragraph 1.

3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.

4. The rate to be levied on residential and farm assessment shall be 90 per cent of the rate determined under paragraph 2.

(2) Except in the case of public and secondary school boards that have jurisdiction only in territory without municipal organization, secondary school boards in the part of the secondary school districts in terri- Who to determine rates

tory without municipal organization and separate school boards, the rates shall be determined by the council of each municipality for each board that has jurisdiction in the municipality.

Withholding of debenture levy

106.—(1) The council of each municipality shall withhold from the amount levied and collected for a school board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board.

Deficiency payable by board

(2) Where the debt charges payable by a municipality on behalf of a board are more than the amount levied by the municipality for the cost of operation of the board, the board shall make a payment equal to the deficiency to the municipality on or before the date or dates on which the debt charges are payable.

Assessment roll

R.S.O. 1960, c. 23

107. The assessor of each municipality and each assessor in territory without municipal organization, in addition to the particulars required under subsection 2 of section 20 of *The Assessment Act*, shall set down in separate columns the following particulars:

1. The commercial assessment for public school purposes.

2. The residential and farm assessment for public school purposes.

3. The commercial assessment for separate school purposes.

4. The residential and farm assessment for separate school purposes.

5. Where two or more high school districts, or parts thereof, are situated in the municipality, the high school districts and the commercial assessment and residential and farm assessment in each high school district.

Levying of school rates

108. The council of every local municipality, every public and secondary school board that has jurisdiction only in territory without municipal organization, every secondary school board in the part of the secondary school district in territory without municipal organization and every separate school board in each year shall levy or cause to be levied on the

whole of the assessment for real property and business assessment for public, secondary and separate school purposes, as the case may be, according to the last revised assessment roll, the rates determined for each public, secondary and separate school board having jurisdiction in the municipality, or a part thereof, or in territory without municipal organization, as the case may be.

109. In the event of a conflict between any provision in this Part and any provision in any other general or special Act, the provision in this Part prevails. This Part to prevail where conflict

11.—(1) This Act, except sections 2, 9 and 10, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 2 and 10 shall be deemed to have come into force on the 1st day of January, 1964. Idem

(3) Section 9 comes into force on the 1st day of January, 1965. Idem

12. This Act may be cited as *The Schools Administration Amendment Act, 1964 (No. 2)*. Short title

BILL 89

An Act to amend
The Schools Administration Act

1st Reading

March 12th, 1964

2nd Reading

3rd Reading

MR. DAVIS

1964

BILL 89

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Schools Administration Act

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The definition of population is transferred from *The Secondary Schools and Boards of Education Act* to *The Schools Administration Act.*

Section 2. The amendments provide credit for sick leave for permanent, probationary and temporary teachers.

BILL 89 **1964**

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Schools Administration Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 361, s. 1, subs. 2, amended

26*a*. "population of a county or municipality or a portion thereof" means the population determined by reference to the last municipal census of the municipality or municipalities concerned, less the number of inmates in public institutions in each municipality or portion thereof concerned as certified by the clerk of each municipality concerned.

2.—(1) Subsection 4 of section 17 of *The Schools Administration Act* is amended by inserting after "a" in the first line "permanent or probationary", so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 17, subs. 4, amended

(4) Subject to subsection 5, a permanent or probationary teacher is entitled to his salary for a total of twenty school days in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of such sickness or such tooth or gum condition. Payment for absence due to illness or dental condition

(2) The said section 17 is amended by adding thereto the following subsection: R.S.O. 1960, c. 361, s. 17, amended

(4*a*) Subject to subsection 5, a temporary teacher is entitled to his salary for two days in respect of each month of his employment in any school year in Idem

respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than such two days absence from duty on account of such sickness or such tooth or gum condition.

R.S.O. 1960, c. 361, s. 19, subs. 2, repealed

3. Subsection 2 of section 19 of *The Schools Administration Act* is repealed.

R.S.O. 1960, c. 361, s. 22, subs. 2, cl. *f*, re-enacted

4. Clause *f* of subsection 2 of section 22 of *The Schools Administration Act* is repealed and the following substituted therefor:

unauthorized texts

(*f*) to prevent the use by pupils of text-books that are not approved under the regulations.

R.S.O. 1960, c. 361, s. 23, subss. 2-4, repealed

5. Subsections 2, 3 and 4 of section 23 of *The Schools Administration Act* are repealed.

R.S.O. 1960, c. 361, s. 34, amended

6. Section 34 of *The Schools Administration Act* is amended by adding thereto the following paragraph:

provide text-books

11. provide, without charge, for the use of the pupils attending the school or schools operated by the board, the text-books that are required by the regulations to be purchased by the board.

R.S.O. 1960, c. 361, s. 35, amended

7. Section 35 of *The Schools Administration Act*, as amended by section 2 of *The Schools Administration Amendment Act, 1960-61* and section 2 of *The Schools Administration Amendment Act, 1962-63*, is further amended by adding thereto the following paragraphs:

children in charitable organizations

33. employ and pay teachers, when so requested in writing by a charitable organization having the charge of children of school age, for the education of such children, whether such children are being educated in premises within or beyond the limits of the jurisdiction of the board, and pay for and furnish school supplies for their use, and any children being so educated are subject to this Act, *The Public Schools Act*, *The Separate Schools Act*, *The Secondary Schools and Boards of Education Act* and the regulations;

R.S.O. 1960, cc. 330, 368, 362

accident and public liability insurance re work-experience programmes

34. where, in co-operation with business and industry, a board provides for pupils' training programmes designed to supplement the courses given in its

SECTION 3. Subsection 2 dealing with the examinations and certificates of qualifications of separate school teachers is no longer required and is, therefore, repealed.

SECTION 4. Clause *f* is re-enacted to refer to text-books approved under the regulations instead of authorized by the regulations.

SECTION 5. The grants paid by municipalities and the Department of Education for teachers' institutes were discontinued prior to 1940. The provisions authorizing the payments are repealed.

SECTION 6. The new clause will require school boards to supply text-books for the use of pupils without charge.

SECTION 7. The provisions in paragraph 33 are transferred from section 75 of *The Public Schools Act* and will hereafter apply to all school boards.

Paragraph 34 is new and authorizes school boards to provide accident insurance payable to parents in case of accidents to pupils while they are participating in work-experience programmes, and public liability insurance to insure such pupils and the boards against loss or damage to the person or property of others while such pupils are participating in such programmes.

SECTION 8. The new provisions authorize public and separate school boards to provide transportation for pupils who live in territory without municipal organization.

SECTION 9. The requirement under subsection 6 for the designation of a municipal inspectorate for secondary school purposes is now based on the number of teachers. Hereafter, it will be based on the average attendance of pupils.

Subsection 7 is new and provides for the appointment of separate school inspectors.

SECTION 10. The regulations under *The Residential and Farm School Tax Assistance Grants Act, 1960-61*, providing for a reduction of school taxes on residential and farm property, are transferred to *The Schools Administration Act*.

schools, the board may provide, by contract with an insurer under *The Insurance Act*, accident insurance to indemnify such pupils against loss in case they are accidently injured while participating in such a programme and public liability insurance to insure such pupils and the board against loss or damage to the person or property of others while the pupils are participating in such a programme. R.S.O. 1960, c. 190

8. Section 37 of *The Schools Administration Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 361, s. 37, amended

(2*a*) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates. Pupils in unorganized territory

(2*b*) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a separate school zone, to a school that the board operates. Idem

9. Subsection 6 of section 81 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 81, subs. 6, re-enacted

(6) Where the average attendance of pupils in the secondary schools operated by a high school board or board of education in any year is 3,000 or more, the board may request the Minister to designate the high school district as a municipal inspectorate for secondary school purposes, and, if the request is granted, the board shall, on or before the 1st day of July of the following year, appoint one or more secondary school inspectors, whose appointment or removal is not effective until approved by the Minister. Secondary school inspectors

(7) Where the average attendance of pupils in the separate schools operated by a board in a separate school zone in any year is 40,000 or more, the board may request the Minister to designate the separate school zone as a municipal inspectorate, and, if the request is granted, the board shall, on or before the 1st day of July of the following year, appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister. Separate school inspectors

10. *The Schools Administration Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 361, amended

PART XI

REDUCTION OF SCHOOL TAXES ON RESIDENTIAL AND FARM ASSESSMENT

Interpretation

101. In this Part,

(*a*) "commercial assessment" means,

(i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and

(ii) business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines, and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

(*b*) "residential and farm assessment" means the assessment for real property except the assessment for real property mentioned in subclauses i and iii of clause *a*, according to the last revised assessment roll.

Data furnished, by the municipality

102.—(1) The clerk of a municipality shall in each year furnish to each school board having jursidiction in the municipality, or any parts thereof, information respecting the total of the commercial assessments and of the residential and farm assessments on which rates for the support of the board will be levied in that year and the amount due and payable in the current year for debt charges on debentures issued by the municipality in respect of the board.

by clerk of county

(2) Where a county has issued debentures for the purposes of a board, the clerk of the county shall in each year furnish information to the board respecting the amount due and payable in the current year for debt charges on such debentures.

103.—(1) For the purposes of determining the rates, every school board in preparing its estimates shall include the amount of debt charges due in the current year in respect of the board. Estimates for basis of rates

(2) Every board that is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization shall apportion its estimates as determined under subsection 1 in accordance with the provisions of the Act under which the board operates. Apportionment of estimates

104.—(1) Every public and secondary school board shall submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined in section 103. Submission of estimates of board to council

(2) Where the board is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization, it shall indicate to the council of each municipality concerned the amount of the estimates that is to apply to that municipality. Idem

105.—(1) Rates to be levied for each school board in each municipality and territory without municipal organization shall be determined in the following manner: Determination of rates

1. Add 90 per cent of the residential and farm assessment to the commercial assessment.

2. Multiply the amount estimated by the board in section 103 to be raised by taxation in the municipality or territory without municipal organization by 1000 and divide the product by the total determined under paragraph 1.

3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.

4. The rate to be levied on residential and farm assessment shall be 90 per cent of the rate determined under paragraph 2.

(2) Except in the case of public and secondary school boards that have jurisdiction only in territory without municipal organization, secondary school boards in the part of the secondary school districts in terri- Who to determine rates

tory without municipal organization and separate school boards, the rates shall be determined by the council of each municipality for each board that has jurisdiction in the municipality.

Withholding of debenture levy

106.—(1) The council of each municipality shall withhold from the amount levied and collected for a school board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board.

Deficiency payable by board

(2) Where the debt charges payable by a municipality on behalf of a board are more than the amount levied by the municipality for the cost of operation of the board, the board shall make a payment equal to the deficiency to the municipality on or before the date or dates on which the debt charges are payable.

Assessment roll

R.S.O. 1960, c. 23

107. The assessor of each municipality and each assessor in territory without municipal organization, in addition to the particulars required under subsection 2 of section 20 of *The Assessment Act*, shall set down in separate columns the following particulars:

1. The commercial assessment for public school purposes.

2. The residential and farm assessment for public school purposes.

3. The commercial assessment for separate school purposes.

4. The residential and farm assessment for separate school purposes.

5. Where two or more high school districts, or parts thereof, are situated in the municipality, the high school districts and the commercial assessment and residential and farm assessment in each high school district.

Levying of school rates

108. The council of every local municipality, every public and secondary school board that has jurisdiction only in territory without municipal organization, every secondary school board in the part of the secondary school district in territory without municipal organization and every separate school board in each year shall levy or cause to be levied on the

whole of the assessment for real property and business assessment for public, secondary and separate school purposes, as the case may be, according to the last revised assessment roll, the rates determined for each public, secondary and separate school board having jurisdiction in the municipality, or a part thereof, or in territory without municipal organization, as the case may be.

109. In the event of a conflict between any provision in this Part and any provision in any other general or special Act, the provision in this Part prevails. This Part to prevail where conflict

11.—(1) This Act, except sections 2, 9 and 10, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 2 and 10 shall be deemed to have come into force on the 1st day of January, 1964. Idem

(3) Section 9 comes into force on the 1st day of January, 1965. Idem

12. This Act may be cited as *The Schools Administration Amendment Act, 1964 (No. 2)*. Short title

BILL 88

An Act to amend
The Schools Administration Act

1st Reading

March 12th, 1964

2nd Reading

March 20th, 1964

3rd Reading

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

1964

BILL 89

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Schools Administration Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 89 **1964**

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Schools Administration Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 361, s. 1, subs. 2, amended

26*a*. "population of a county or municipality or a portion thereof" means the population determined by reference to the last municipal census of the municipality or municipalities concerned, less the number of inmates in public institutions in each municipality or portion thereof concerned as certified by the clerk of each municipality concerned.

2.—(1) Subsection 4 of section 17 of *The Schools Administration Act* is amended by inserting after "a" in the first line "permanent or probationary", so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 17, subs. 4, amended

(4) Subject to subsection 5, a permanent or probationary teacher is entitled to his salary for a total of twenty school days in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of such sickness or such tooth or gum condition. Payment for absence due to illness or dental condition

(2) The said section 17 is amended by adding thereto the following subsection: R.S.O. 1960, c. 361, s. 17, amended

(4*a*) Subject to subsection 5, a temporary teacher is entitled to his salary for two days in respect of each month of his employment in any school year in Idem

respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than such two days absence from duty on account of such sickness or such tooth or gum condition.

R.S.O. 1960, c. 361, s. 19, subs. 2, repealed

3. Subsection 2 of section 19 of *The Schools Administration Act* is repealed.

R.S.O. 1960, c. 361, s. 22, subs. 2, cl. *f*, re-enacted

4. Clause *f* of subsection 2 of section 22 of *The Schools Administration Act* is repealed and the following substituted therefor:

unauthorized texts

(*f*) to prevent the use by pupils of text-books that are not approved under the regulations.

R.S.O. 1960, c. 361, s. 23, subss. 2-4, repealed

5. Subsections 2, 3 and 4 of section 23 of *The Schools Administration Act* are repealed.

R.S.O. 1960, c. 361, s. 34, amended

6. Section 34 of *The Schools Administration Act* is amended by adding thereto the following paragraph:

provide text-books

11. provide, without charge, for the use of the pupils attending the school or schools operated by the board, the text-books that are required by the regulations to be purchased by the board.

R.S.O. 1960, c. 361, s. 35, amended

7. Section 35 of *The Schools Administration Act*, as amended by section 2 of *The Schools Administration Amendment Act, 1960-61* and section 2 of *The Schools Administration Amendment Act, 1962-63*, is further amended by adding thereto the following paragraphs:

children in charitable organizations

33. employ and pay teachers, when so requested in writing by a charitable organization having the charge of children of school age, for the education of such children, whether such children are being educated in premises within or beyond the limits of the jurisdiction of the board, and pay for and furnish school supplies for their use, and any children being so educated are subject to this Act, *The Public Schools Act*, *The Separate Schools Act*, *The Secondary Schools and Boards of Education Act* and the regulations;

R.S.O. 1960, cc. 330, 368, 362

accident and public liability insurance re work-experience programmes

34. where, in co-operation with business and industry, a board provides for pupils' training programmes designed to supplement the courses given in its

schools, the board may provide, by contract with an insurer under *The Insurance Act*, accident insurance to indemnify such pupils against loss in case they are accidently injured while participating in such a programme and public liability insurance to insure such pupils and the board against loss or damage to the person or property of others while the pupils are participating in such a programme. R.S.O. 1960, c. 190

8. Section 37 of *The Schools Administration Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 361, s. 37, amended

(2*a*) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates. Pupils in unorganized territory

(2*b*) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a separate school zone, to a school that the board operates. Idem

9. Subsection 6 of section 81 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 81, subs. 6, re-enacted

(6) Where the average attendance of pupils in the secondary schools operated by a high school board or board of education in any year is 3,000 or more, the board may request the Minister to designate the high school district as a municipal inspectorate for secondary school purposes, and, if the request is granted, the board shall, on or before the 1st day of July of the following year, appoint one or more secondary school inspectors, whose appointment or removal is not effective until approved by the Minister. Secondary school inspectors

(7) Where the average attendance of pupils in the separate schools operated by a board in a separate school zone in any year is 40,000 or more, the board may request the Minister to designate the separate school zone as a municipal inspectorate, and, if the request is granted, the board shall, on or before the 1st day of July of the following year, appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister. Separate school inspectors

10. *The Schools Administration Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 361, amended

PART XI

REDUCTION OF SCHOOL TAXES ON RESIDENTIAL AND FARM ASSESSMENT

Interpretation

101. In this Part,

(*a*) "commercial assessment" means,

(i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and

(ii) business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines, and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

(*b*) "residential and farm assessment" means the assessment for real property except the assessment for real property mentioned in subclauses i and iii of clause *a*, according to the last revised assessment roll.

Data furnished, by the municipality

102.—(1) The clerk of a municipality shall in each year furnish to each school board having jursidiction in the municipality, or any parts thereof, information respecting the total of the commercial assessments and of the residential and farm assessments on which rates for the support of the board will be levied in that year and the amount due and payable in the current year for debt charges on debentures issued by the municipality in respect of the board.

by clerk of county

(2) Where a county has issued debentures for the purposes of a board, the clerk of the county shall in each year furnish information to the board respecting the amount due and payable in the current year for debt charges on such debentures.

103.—(1) For the purposes of determining the rates, every school board in preparing its estimates shall include the amount of debt charges due in the current year in respect of the board. **Estimates for basis of rates**

(2) Every board that is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization shall apportion its estimates as determined under subsection 1 in accordance with the provisions of the Act under which the board operates. **Apportionment of estimates**

104.—(1) Every public and secondary school board shall submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined in section 103. **Submission of estimates of board to council**

(2) Where the board is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization, it shall indicate to the council of each municipality concerned the amount of the estimates that is to apply to that municipality. **Idem**

105.—(1) Rates to be levied for each school board in each municipality and territory without municipal organization shall be determined in the following manner: **Determination of rates**

1. Add 90 per cent of the residential and farm assessment to the commercial assessment.

2. Multiply the amount estimated by the board in section 103 to be raised by taxation in the municipality or territory without municipal organization by 1000 and divide the product by the total determined under paragraph 1.

3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.

4. The rate to be levied on residential and farm assessment shall be 90 per cent of the rate determined under paragraph 2.

(2) Except in the case of public and secondary school boards that have jurisdiction only in territory without municipal organization, secondary school boards in the part of the secondary school districts in terri- **Who to determine rates**

tory without municipal organization and separate school boards, the rates shall be determined by the council of each municipality for each board that has jurisdiction in the municipality.

Withholding of debenture levy

106.—(1) The council of each municipality shall withhold from the amount levied and collected for a school board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board.

Deficiency payable by board

(2) Where the debt charges payable by a municipality on behalf of a board are more than the amount levied by the municipality for the cost of operation of the board, the board shall make a payment equal to the deficiency to the municipality on or before the date or dates on which the debt charges are payable.

Assessment roll

R.S.O. 1960, c. 23

107. The assessor of each municipality and each assessor in territory without municipal organization, in addition to the particulars required under subsection 2 of section 20 of *The Assessment Act*, shall set down in separate columns the following particulars:

1. The commercial assessment for public school purposes.

2. The residential and farm assessment for public school purposes.

3. The commercial assessment for separate school purposes.

4. The residential and farm assessment for separate school purposes.

5. Where two or more high school districts, or parts thereof, are situated in the municipality, the high school districts and the commercial assessment and residential and farm assessment in each high school district.

Levying of school rates

108. The council of every local municipality, every public and secondary school board that has jurisdiction only in territory without municipal organization, every secondary school board in the part of the secondary school district in territory without municipal organization and every separate school board in each year shall levy or cause to be levied on the

whole of the assessment for real property and business assessment for public, secondary and separate school purposes, as the case may be, according to the last revised assessment roll, the rates determined for each public, secondary and separate school board having jurisdiction in the municipality, or a part thereof, or in territory without municipal organization, as the case may be.

This Part to prevail where conflict

109. In the event of a conflict between any provision in this Part and any provision in any other general or special Act, the provision in this Part prevails.

Commencement

11.—(1) This Act, except sections 2, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 and 10 shall be deemed to have come into force on the 1st day of January, 1964.

Idem

(3) Section 9 comes into force on the 1st day of January, 1965.

Short title

12. This Act may be cited as *The Schools Administration Amendment Act, 1964 (No. 2)*.

An Act to amend
The Schools Administration Act

1st Reading

March 12th, 1964

2nd Reading

March 20th, 1964

3rd Reading

May 7th, 1964

MR. DAVIS

1964

BILL 90

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Public Schools Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. Self-explanatory.

Section 2. Self-explanatory.

BILL 90 **1964**

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 6 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 6, subs. 5, re-enacted

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the inspector having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee not in excess of the gross cost per pupil per day in the preceding year of the board in the adjoining school section. Resident pupil's right to attend more accessible school in adjoining school section

2. *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1960, c. 330, amended

9*a*.—(1) Where land, the use of which is restricted in any manner to school purposes, has been vested in a rural school board for at least fifty years, the board may apply to the Supreme Court to remove the restriction, and the Supreme Court may make such order on the application as it deems just. Application for removal of restrictions on use of land

Sale of lands

(2) Where restrictions are removed from land under subsection 1 and the board offers the land for sale, it shall first offer the land at a reasonable price to the owner or owners of land abutting on the land offered for sale.

R.S.O. 1960, c. 330, s. 18 (1961-62, c. 120, s. 2), subs. 4, cl. *a*, amended

3. Clause *a* of subsection 4 of section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62*, is amended by inserting after "board" in the third line "except a planning board", so that the clause shall read as follows:

(*a*) who is a member of any other elementary or secondary school board or of the council or local board, except a planning board, of a municipality in which all or part of the school section is situate, unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or local board, as the case may be.

R.S.O. 1960, c. 330, s. 21, amended

4. Section 21 of *The Public Schools Act* is amended by adding thereto the following subsection:

Where tie vote

(11) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall provide for the drawing of lots to determine which of the candidates is elected.

R.S.O. 1960, c. 330, s. 69, subs. 3, amended

5. Subsection 3 of section 69 of *The Public Schools Act* is amended by adding at the end thereof "not later than the 15th day of December", so that the subsection shall read as follows:

And to account for same

(3) Every municipal council shall annually account for all moneys collected for public school purposes, including any sum that has been collected in excess of the sums disbursed, on account of the public school or schools within the municipality or school section, and shall pay over the same to the school board of the municipality or of the section not later than the 15th day of December.

R.S.O. 1960, c. 330, s. 74, subs. 2, cl. *d*, re-enacted

6.—(1) Clause *d* of subsection 2 of section 74 of *The Public Schools Act* is repealed and the following substituted therefor:

blind and deaf

(*d*) in municipalities of 100,000 population and over, provide, subject to the approval of the Minister,

SECTION 3. The amendment is to make it clear that a trustee may be a member of a planning board.

SECTION 4. The new provision is to clarify the procedure in the election of trustees at annual or special meetings of the ratepayers when two or more candidates receive an equal number of votes.

SECTION 5. The amendment is to make it clear that a municipality that is required to raise money for a school board must pay over the money not later than the 15th day of December in each year.

SECTION 6—Subsection 1. The word "dumb" is removed from the expression "deaf and dumb" and the provision is made applicable to all municipalities of 100,000 population and over.

Subsection 2. The word "dumb" is removed from the expression "deaf and dumb".

Subsection 3. The provisions for a public school board to borrow money are now found in section 100 of *The Schools Administration Act.*

SECTION 7. This section has been transferred to paragraph 33 of section 35 of *The Schools Administration Act.*

SECTION 8. The amendment provides that the time for appeals against a by-law forming or dissolving, etc., a school section runs from the date of publication of the by-law rather than from the date of its passing.

SECTION 9. The provision requiring the approval of the Minister under subsection 1 of section 80 is deleted.

special classes for the instruction of the blind or deaf children residing within the municipality.

(2) Clause *c* of subsection 3 of the said section 74 is amended by striking out "and dumb" in the third line, so that the clause shall read as follows: R.S.O. 1960, c. 330, s. 74, subs. 3, cl. *c*, amended

(*c*) ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and who would otherwise be required to attend the school under its charge. blind and deaf

(3) Subsection 4 and subsection 5, as enacted by section 17 of *The Public Schools Amendment Act, 1961-62*, of the said section 74 are repealed. R.S.O. 1960, c. 330, s. 74, subs. 4, subs. 5 (1961-62, c. 120, s. 17), repealed

7. Section 75 of *The Public Schools Act* is repealed. R.S.O. 1960, c. 330, s. 75, repealed

8. Subsection 2 of section 76 of *The Public Schools Act* is amended by inserting after "the" where it occurs the third time in the first line "publication of the", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 76, subs. 2, amended

(2) The time for appeal shall run from the date of the publication of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for the by-law to be passed, as the case may be. Time for appeals

9. Subsection 1 of section 80 of *The Public Schools Act* is amended by striking out "of the Minister and" in the fourth and fifth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 80, subs. 1, amended

(1) A public school board may provide for the admission of pupils of the section to the public schools of any other school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the board of such other school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation that the board is required by this Act to make for the pupils of the section. Admission of pupils from school section to public schools of another section or to Indian schools

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The Public Schools Amendment Act, 1964 (No. 2)*. Short title

BILL 90

An Act to amend The Public Schools Act

1st Reading

March 12th, 1964

2nd Reading

3rd Reading

MR. DAVIS

1964

BILL 90

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Public Schools Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 90 **1964**

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 6 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 6, subs. 5, re-enacted

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the inspector having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee not in excess of the gross cost per pupil per day in the preceding year of the board in the adjoining school section. Resident pupil's right to attend more accessible school in adjoining school section

2. *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1960, c. 330, amended

9*a*.—(1) Where land, the use of which is restricted in any manner to school purposes, has been vested in a rural school board for at least fifty years, the board may apply to the Supreme Court to remove the restriction, and the Supreme Court may make such order on the application as it deems just. Application for removal of restrictions on use of land

Sale of lands

(2) Where restrictions are removed from land under subsection 1 and the board offers the land for sale, it shall first offer the land at a reasonable price to the owner or owners of land abutting on the land offered for sale.

R.S.O. 1960, c. 330, s. 18 (1961-62, c. 120, s. 2), subs. 4, cl. *a*, amended

3. Clause *a* of subsection 4 of section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62*, is amended by inserting after "board" in the third line "except a planning board", so that the clause shall read as follows:

(*a*) who is a member of any other elementary or secondary school board or of the council or local board, except a planning board, of a municipality in which all or part of the school section is situate, unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or local board, as the case may be.

R.S.O. 1960, c. 330, s. 21, amended

4. Section 21 of *The Public Schools Act* is amended by adding thereto the following subsection:

Where tie vote

(11) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall provide for the drawing of lots to determine which of the candidates is elected.

R.S.O. 1960, c. 330, s. 69, subs. 3, amended

5. Subsection 3 of section 69 of *The Public Schools Act* is amended by adding at the end thereof "not later than the 15th day of December", so that the subsection shall read as follows:

And to account for same

(3) Every municipal council shall annually account for all moneys collected for public school purposes, including any sum that has been collected in excess of the sums disbursed, on account of the public school or schools within the municipality or school section, and shall pay over the same to the school board of the municipality or of the section not later than the 15th day of December.

R.S.O. 1960, c. 330, s. 74, subs. 2, cl. *d*, re-enacted

6.—(1) Clause *d* of subsection 2 of section 74 of *The Public Schools Act* is repealed and the following substituted therefor:

blind and deaf

(*d*) in municipalities of 100,000 population and over, provide, subject to the approval of the Minister,

special classes for the instruction of the blind or deaf children residing within the municipality.

(2) Clause *c* of subsection 3 of the said section 74 is amended by striking out "and dumb" in the third line, so that the clause shall read as follows: R.S.O. 1960, c. 330, s. 74, subs. 3, cl. *c*, amended

(*c*) ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and who would otherwise be required to attend the school under its charge. blind and deaf

(3) Subsection 4 and subsection 5, as enacted by section 17 of *The Public Schools Amendment Act, 1961-62*, of the said section 74 are repealed. R.S.O. 1960, c. 330, s. 74, subs. 4, subs. 5 (1961-62, c. 120, s. 17), repealed

7. Section 75 of *The Public Schools Act* is repealed. R.S.O. 1960, c. 330, s. 75, repealed

8. Subsection 2 of section 76 of *The Public Schools Act* is amended by inserting after "the" where it occurs the third time in the first line "publication of the", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 76, subs. 2, amended

(2) The time for appeal shall run from the date of the publication of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for the by-law to be passed, as the case may be. Time for appeals

9. Subsection 1 of section 80 of *The Public Schools Act* is amended by striking out "of the Minister and" in the fourth and fifth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 80, subs. 1, amended

(1) A public school board may provide for the admission of pupils of the section to the public schools of any other school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the board of such other school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation that the board is required by this Act to make for the pupils of the section. Admission of pupils from school section to public schools of another section or to Indian schools

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The Public Schools Amendment Act, 1964 (No. 2)*. Short title

An Act to amend The Public Schools Act

1st Reading

March 12th, 1964

2nd Reading

March 20th, 1964

3rd Reading

May 7th, 1964

MR. DAVIS

BILL 91

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Farm Products Grades and Sales Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The definition of "farm product" is amended to include Christmas trees.

BILL 91 **1964**

An Act to amend The Farm Products Grades and Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Farm Products Grades and Sales Act* is amended by inserting after "animal products" in the first line "Christmas trees", so that the clause shall read as follows: R.S.O. 1960, c. 136, s. 1, cl. *a*, amended

(*a*) "farm product" means such animals, animal products, Christmas trees, fruit, fruit products, grains, honey, maple products, seeds, tobacco, vegetables, vegetable products, wood or any class thereof and articles of food or drink manufactured or derived in whole or in part from any of those products as are designated in the regulations.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1964.* Short title

BILL 91

An Act to amend
The Farm Products Grades and Sales Act

1st Reading

March 12th, 1964

2nd Reading

3rd Reading

MR. STEWART

1964

BILL 91

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Farm Products Grades and Sales Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 91 **1964**

An Act to amend The Farm Products Grades and Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Farm Products Grades and Sales Act* is amended by inserting after "animal products" in the first line "Christmas trees", so that the clause shall read as follows: R.S.O. 1960, c. 136, s. 1, cl. *a*, amended

(*a*) "farm product" means such animals, animal products, Christmas trees, fruit, fruit products, grains, honey, maple products, seeds, tobacco, vegetables, vegetable products, wood or any class thereof and articles of food or drink manufactured or derived in whole or in part from any of those products as are designated in the regulations.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1964.* Short title

BILL 91

An Act to amend
The Farm Products Grades and Sales Act

1st Reading

March 12th, 1964

2nd Reading

March 17th, 1964

3rd Reading

March 25th, 1964

MR. STEWART

1964

BILL 92

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Corporations Tax Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

General: The general purpose of this Bill is to make adjustments in the Act to bring it into closer relationship with the corresponding provisions of the *Income Tax Act* (Canada) as that Act affects corporations, particularly with respect to certain amendments made to that Act since the 1963 session of the Legislature.

Section 1. This new section describes the conditions a corporation must meet in order to qualify as a corporation that has a degree of Canadian ownership. This is necessary for purposes of proposed amendments to the regulations concerning capital cost allowances with respect to new machinery and equipment acquired for a manufacturing or processing business in Canada after June 13, 1963, and before June 14, 1965, by a corporation that has a degree of Canadian ownership. It corresponds to the new section 139A of the *Income Tax Act* (Canada).

BILL 92 **1964**

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960, c. 73, amended

Where corporation has degree of Canadian ownership

1*a*.—(1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout the sixty-day period immediately preceding that fiscal year or, if the corporation did not have a preceding fiscal year, throughout the sixty-day period commencing on the first day of the fiscal year,

(*a*) the corporation complied with the following conditions:

(i) the corporation was resident in Canada,

(ii) either,

(A) not less than 25 per cent of the issued shares of the corporation having full voting rights under all circumstances were owned by one or more individuals resident in Canada, one or more corporations controlled in Canada or a combination thereof,

or

(B) the shares of the corporation having full voting rights under all circumstances were listed on a prescribed stock exchange in Canada, and it is established in

prescribed manner that no one non-resident shareholder of the corporation owned more than 75 per cent of the shares of the corporation, having full voting rights under all circumstances, alone or in combination with any other person related to him at any time within the period within the meaning of subsection 3 or 4 of section 1, and

(iii) where the fiscal year commences after the 31st day of December, 1964, the number of directors who were resident in Canada was not less than 25 per cent of the total number of directors of the corporation; or

(*b*) the corporation complied with the conditions specified in subclauses i and iii of clause *a* and was a subsidiary wholly-owned corporation subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in clause *a*.

Idem

(2) For the purposes of this section,

(*a*) a corporation is controlled in Canada at a particular time if at that time the corporation is resident in Canada and more than 50 per cent of its issued shares having full voting rights under all circumstances are owned by one or more individuals resident in Canada, one or more corporations controlled in Canada or a combination thereof;

(*b*) a non-resident person who has a right under a contract in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation shall be deemed to own those shares, and any other person who actually owns the shares in respect of which the non-resident person has such a right shall be deemed not to own those shares;

(*c*) where shares are owned by a trustee resident in Canada, the shares shall be deemed not to be owned by a person resident in Canada

SECTION 2—Subsection 1. This amendment re-arranges the provisions of the Act which require that annuity payments must be included in income. This amendment should be read in conjunction with the amendment provided by section 3 of this Bill.

Subsection 2. The new clause *k* provides that there shall be included in computing the income of a corporation any amount that is included in computing its income under Part I of the *Income Tax Act* (Canada) on the direction of the Minister of National Revenue pursuant to section 138A of that Act. Section 138A of that Act provides that amounts received by a taxpayer as a result of transactions commonly referred to as dividend stripping shall be included in income.

unless it is established that each beneficiary under the trust is an individual resident in Canada; and

(*d*) where, during any relevant sixty-day period referred to in subsection 1, a director of a corporation who is resident in Canada dies and within sixty days thereafter another person who is resident in Canada is appointed or elected to be a director of the corporation, such other person shall be deemed to have become such a director immediately upon the death of the deceased director.

(3) In the case of any fiscal year of a corporation commencing before the 1st day of May, 1964, that portion of subsection 1 that precedes clause *a* thereof shall, if the corporation elects in prescribed manner on or before the 1st day of May, 1964, be read as follows: Idem

(1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout any sixty-day period commencing after the 13th day of June, 1963, and ending before the 1st day of May, 1964,

. . . . .

2.—(1) Clause *a* of section 17 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 17, cl. *a*, re-enacted

(*a*) amounts received in the fiscal year as, on account or in lieu of payment of, or in satisfaction of, dividends; dividends

(*aa*) amounts received in the fiscal year as annuity payments. annuity payments

(2) Section 17 of *The Corporations Tax Act*, as amended by section 5 of *The Corporations Tax Amendment Act, 1961-62* and section 2 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by striking out "and" at the end of clause *i* in the amendment of 1962-63, by adding "and" at the end of clause *j* in the amendment of 1962-63 and by adding thereto the following clause: R.S.O. 1960, c. 73, s. 17, amended

(*k*) an amount that is included in computing the income of the corporation under Part I of the *Income Tax Act* (Canada) pursuant to section 138A of that Act. Dividend stripping R.S.C. 1952, c. 148

R.S.O. 1960, c. 73, s. 18, amended

3. Section 18 of *The Corporations Tax Act*, as amended by section 6 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Idem

(5) Subsection 1 does not apply to any amount received by a corporation in a fiscal year,

(*a*) as an annuity payment;

(*b*) as a refund of premiums or contributions paid by the holder of a life annuity contract, as defined by the regulations, upon the death of such holder; or

(*c*) in satisfaction of the rights of the corporation under a life annuity contract, as defined by the regulations, that was entered into before the 14th day of June, 1963.

R.S.O. 1960, c. 73, s. 23, subs. 1, amended

4. Subsection 1 of section 23 of *The Corporations Tax Act*, as amended by section 8 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following clause:

management fee

(*i*) the amount of a management or administration fee or charge paid or credited, or deemed to be paid or credited, to a non-resident person to the extent that such amount is subjected to taxation under paragraph *a* of subsection 1 of section 106 of the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

R.S.O. 1960, c. 73, s. 28, repealed

5. Section 28 of *The Corporations Tax Act* is repealed.

R.S.O. 1960, c. 73, s. 31, subss. 9, 10 (1960-61, c. 14, s. 3), repealed

6. Subsections 9 and 10 of section 31 of *The Corporations Tax Act*, as enacted by section 3 of *The Corporations Tax Amendment Act, 1960-61*, are repealed.

R.S.O. 1960, c. 73, s. 39, subs. 2, cl. *a* re-enacted

7.—(1) Clause *a* of subsection 2 of section 39 of *The Corporations Tax Act* is repealed and the following substituted therefor:

(*a*) between the end of that preceding fiscal year and the end of the taxation year,

(i) more than 50 per cent of the shares in the capital stock of the corporation have been acquired, before the 14th day of June, 1963, by a person or persons who did not, at the end of that preceding fiscal year, own any of the shares in the capital stock of the corporation, or

SECTION 3. This new subsection provides that subsection 1 of section 18 of the Act, which requires that the interest portion of a combined interest and capital payment must be included in income, shall not apply to the amounts described. However, the Act continues to require that amounts received as annuity payments must be included in income to the extent required by subsection 1 of section 17 and clause *m* of subsection 1 of section 22 of the Act. The result will be that the part of the proceeds of an annuity contract that consists of interest earned after an annuity commences will be included in income, and the part of the proceeds that consists of interest accumulated before the annuity commences or the contract is terminated must also be included in income of the corporation except when received as described in the new subsection 5. The amendment corresponds to a similar amendment to the *Income Tax Act* (Canada).

SECTION 4. The new clause *i* of subsection 1 of section 23 provides that the amount of the management or administration fee or charge paid by a corporation to a non-resident person shall not be allowed as a deduction in computing its income to the extent that the non-resident person is required to pay an income tax of 15 per cent of such fee or charge under subsection 1 of section 106 of the *Income Tax Act* (Canada).

SECTION 5. This amendment repealing section 28 corresponds to an amendment repealing section 18 of the *Income Tax Act* (Canada) applicable to 1963 and subsequent fiscal years. Section 14 of this Bill enacts transitional provisions in connection with capital cost allowances and deduction of rent for 1963 and subsequent fiscal years in those cases where a lease-option arrangement was entered into before the 1963 fiscal year of the lessee.

SECTION 6. The amendment repeals two subsections which deal with capital cost allowances in the case of a bankrupt corporation. This repeal is consequential upon the amendment provided by section 8 of this Bill dealing with bankruptcy. Similar amendments have been made to the *Income Tax Act* (Canada).

SECTION 7—Subsection 1. The present clauses *a* and *b* of subsection 5 of section 39 dealing with the deduction of business losses provide that, in computing its taxable income, a corporation is not permitted to deduct a business loss sustained in a preceding fiscal year if 50 per cent of the shares of its capital stock have been acquired by new shareholders, between the end of that preceding fiscal year and the end of the taxation year, and the corporation does not in the taxation year carry on the business in which the loss was sustained. The new clause *a* changes the first condition to apply to a corporation if, between the end of that preceding year and the end of the taxation year, 50 per cent of its shares have been acquired before June 14, 1963, or control of the corporation has changed hands on or after that date. The amendment corresponds to the amendment to section 27 of the *Income Tax Act* (Canada).

Subsection 2. The new subsection 2*a* provides that a business loss incurred by a corporation in a preceding fiscal year may not be deducted in computing its taxable income for a fiscal year if the business in which the loss was sustained by the corporation was wound up or discontinued during that preceding fiscal year and control of the corporation changed hands after such winding-up or discontinuance and after June 13, 1963. A corresponding amendment has been made to the *Income Tax Act* (Canada).

SECTION 8. The new section 42*a* provides new rules for the computation of income and taxable income in the case of bankrupt corporations. For all purposes of the Act, the trustee in bankruptcy shall be deemed to be the agent of the bankrupt corporation and its income and taxable in-income shall be calculated as if, upon the occurrence of the bankruptcy, the property of the corporation did not pass to and vest in the trustee. The section corresponds to the new section 65A of the *Income Tax Act* (Canada).

(ii) control of the corporation has been acquired after the 13th day of June, 1963, by a person or persons who did not, at the end of that preceding fiscal year, control the corporation; and

. . . . .

(2) The said section 39 is amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 39, amended

(2*a*) Paragraph 3 of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, a business loss sustained by it in a preceding fiscal year from the carrying on of a business if, during that preceding fiscal year, Idem

(*a*) the business of the corporation in which the loss was sustained was wound up or discontinued; and

(*b*) control of the corporation was acquired,

(i) after the winding-up or discontinuation of the business, and

(ii) after the 13th day of June, 1963,

by a person or persons who did not control the corporation at any time during the preceding fiscal year when the business was being carried on.

8. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960, c. 73, amended

42*a*.—(1) Where a corporation has become a bankrupt, the following rules are applicable: Where corporation bankrupt

1. The trustee in bankruptcy shall be deemed to be the agent of the bankrupt for all purposes of this Act.

2. The estate of the bankrupt shall be deemed not to be a trust or an estate for the purposes of this Act.

3. The income and the taxable income of the corporation for any fiscal year of the corpora-

tion during which it was a bankrupt and for any subsequent fiscal year shall be calculated as if,

(*a*) the property of the bankrupt did not pass to and vest in the trustee in bankruptcy on the receiving order being made or the assignment filed but remained vested in the bankrupt; and

(*b*) any dealing in the estate of the bankrupt or any act performed in the carrying on of the business of the bankrupt estate by the trustee was done as agent on behalf of the bankrupt and any income of the trustee from such dealing or carrying on is income of the bankrupt and not of the trustee.

4. A fiscal year of the corporation shall be deemed to have commenced on the day the corporation became a bankrupt and a fiscal year of the corporation that would otherwise have ended after the corporation became a bankrupt shall be deemed to have ended on the day immediately before the day on which the corporation became a bankrupt.

5. Where, in the case of any fiscal year of the poration ending during the period the corporation is a bankrupt, the corporation fails to pay the tax payable by the corporation under this Act for any such fiscal year, the corporation and the trustee in bankruptcy are jointly and severally liable to pay the tax, except that,

(*a*) the trustee is only liable to the extent of the property of the bankrupt in his possession; and

(*b*) payment by either of them shall discharge the joint obligation.

6. Where an absolute order of discharge is granted in respect of the corporation, for the purpose of paragraph 3 of subsection 1 of section 39, business losses sustained by the corporation in any fiscal year preceding the year in which the order of discharge was

SECTION 9. This amendment makes it clear that an expenditure which might qualify as a charitable donation and also as an expenditure on scientific research may not be deducted twice. It corresponds to the amendment to section 72 of the *Income Tax Act* (Canada).

SECTION 10—Subsection 1. This amendment provides that, in calculating the base scientific expenditure of a corporation, there shall be deducted amounts paid to the corporation by Her Majesty in right of Canada or a province, a person resident in Canada or a non-resident person entitled to deduct payments to a corporation resident in Canada for scientific research.

granted are not deductible by the corporation in computing its taxable income for the fiscal year of the corporation in which the order was granted or any subsequent fiscal year.

(2) In this section, "bankrupt" and "estate of the bankrupt" have the meaning given to those expressions by the *Bankruptcy Act* (Canada). Interpretation R.S.C. 1952, c. 14

9. Subsection 3 of section 47 of *The Corporations Tax Act*, as re-enacted by subsection 3 of section 6 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 47, subs. 3 (1962-63, c. 26, s. 6, subs. 3), re-enacted

(3) No deduction may be made under this section or section 47*a* in respect of an expenditure made to acquire rights in, or arising out of, scientific research. Deductions

(3*a*) Where in respect of an expenditure on scientific research made by a corporation in a fiscal year an amount is deductible under this section and under section 39, no deduction may be made in respect of the expenditure under section 39 in computing the income of the taxpayer for any fiscal year. Idem

10.—(1) Subsection 3 of section 47*a* of *The Corporations Tax Act*, as enacted by section 7 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 47*a* (1962-63, c. 26, s. 7), subs. 3, re-enacted

(3) For the purposes of subsections 1 and 2, the base scientific expenditure of a corporation is an amount equal to, Base scientific expenditure defined

(*a*) the aggregate of all expenditures of a current or capital nature, by acquiring property other than land, made in Canada by the corporation in the last fiscal year of the corporation that ended before the 11th day of April, 1962, on scientific research related to the business of the corporation,

minus

(*b*) any amount paid to the corporation in the fiscal year referred to in clause *a* as described in subclause ii of clause *b* of subsection 1,

but, where the corporation had no fiscal year that ended before the 11th day of April, 1962, its base scientific expenditure is nil.

R.S.O. 1960, c. 37, s. 47*a* (1962-63, c. 26, s. 7), amended

(2) The said section 47*a* is amended by adding thereto the following subsection:

Idem

(6) For the purpose of clause *a* of subsection 1, an expenditure of a capital nature made by a corporation in the fiscal year on scientific research does not include any expenditure made by the corporation in that fiscal year for the acquisition, from another corporation associated with the corporation in the fiscal year, of facilities for the prosecution of scientific research.

R.S.O. 1960, c. 73, s. 57, subs. 3*b* (1962-63, c. 26, s. 8, subs. 5), amended

11.—(1) Subsection 3*b* of section 57 of *The Corporations Tax Act*, as enacted by subsection 5 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is amended by striking out "or" at the end of clause *d*, by adding "or" at the end of clause *e* and by adding thereto the following clause:

(*ea*) operating a pipe line for the transmission of oil or natural gas.

R.S.O. 1960, c. 73, s. 57, amended

(2) The said section 57, as amended by section 6 of *The Corporations Tax Amendment Act, 1960-61*, section 19 of *The Corporations Tax Amendment Act, 1961-62* and section 8 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Application to pipe line corporations

(3*ba*) In its application to any corporation described in clause *ea* of subsection 3*b*, clause *f* of subsection 3*b* shall be read and construed as though there were substituted for the expression "10th day of April, 1962", where it appears therein, the expression "13th day of June, 1963".

R.S.O. 1960, c. 73, s. 57, subs. 4*a* (1962-63, c. 26, s. 8, subs. 6), re-enacted

(3) Subsection 4*a* of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Limitation re payments for exploration and drilling rights

(4*a*) In computing a deduction under subsection 1 or 3, no amount shall be included in respect of a payment for or in respect of a right, licence or privilege to explore for, drill for or take petroleum or natural gas, acquired before the 11th day of April, 1962, other than an annual payment not exceeding $1 per acre.

R.S.O. 1960, c. 73, s. 72, amended

12. Section 72 of *The Corporations Tax Act* is amended by adding thereto the following subsection:

Statements or omissions in return

(4) Where a person, acting or purporting to act on behalf of a corporation, knowingly or under circumstances amounting to gross negligence in the carrying out of

Subsection 2. This new subsection provides that amounts spent by a corporation on the acquisition of research facilities from an associated corporation shall not be taken into account in determining increased research expenditure of the corporation in a fiscal year.

Similar amendments have been made to the *Income Tax Act* (Canada).

SECTION 11—Subsection 1. The amendment adds pipe line corporations to the class of corporations permitted to deduct exploration and drilling expenses.

Subsection 2. The new subsection provides that the new clause dealing with the deduction of exploration and drilling expenses by a pipe line corporation applies only with respect to expenses incurred after June 13, 1963.

Subsection 3. The amendment changes a reference to subsection 2 to read "subsection 3" to correct an error in the 1962-63 legislation. A similar correction has been made in the *Income Tax Act* (Canada).

SECTION 12. The new subsection provides that where an officer or representative of a corporation knowingly or under circumstances amounting to gross negligence makes a statement or omission in a return, certificate, statement or answer required under the Act or participates in, assents to or acquiesces in the making of such statement or omission, the corporation is liable to a penalty of 25 per cent of the amount by which the amount of the tax payable for the fiscal year exceeds the amount of the tax that would have been payable if the corporation had been assessed on the basis of the information furnished. This subsection is comparable to subsection 2 of section 56 of the *Income Tax Act* (Canada).

SECTION 13. The amendment makes it clear that, for the purposes of subsection 2 of section 74 of the Act, an estimate by the corporation of its tax for the preceding fiscal year shall be measured on the total of its tax on taxable income and any other tax payable under the Act for such preceding fiscal year.

SECTION 14. This section provides for the various dates on which the amendments made by this Bill will become effective.

any duty or obligation imposed by or under this Act has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or the regulations, as a result of which the tax that would have been payable by the corporation for a fiscal year, if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer, is less than the tax payable by the corporation for the fiscal year, the corporation is liable to a penalty of 25 per cent of the amount by which the tax that would so have been payable is less than the tax payable by the corporation for the fiscal year.

13. Subsection 2 of section 74 of *The Corporations Tax Act* is amended by striking out "or other subject" in the third line and inserting in lieu thereof "and other subject of tax", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 73, s. 74, subs. 2, amended

(2) Every corporation on which a tax is imposed by this Act shall pay the tax, as estimated by the corporation on its taxable income and other subject of tax for the last preceding fiscal year or for the fiscal year in respect of which the tax is payable, at the rates applicable for the last-mentioned fiscal year, in four equal instalments, Dates of payment

. . . . .

14.—(1) Section 9 and subsection 3 of section 11 apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years. Application of s. 9, s. 11, subs. 3

(2) Section 10 applies in respect of fiscal years of corporations ending in 1962 to 1966, each inclusive. Idem, s. 10

(3) Sections 1, 2, 3, 4, 5 and 7, subsections 1 and 2 of section 11 and sections 12 and 13 apply in respect of fiscal years of corporations ending in 1963 and subsequent fiscal years. Idem, ss. 1-5, 7, s. 11, subss. 1, 2, ss. 12, 13

(4) Except as provided by subsection 5, section 5 applies in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years. Idem, s. 5

(5) Where a lease option agreement, a hire-purchase agreement or other contract or arrangement for the leasing of or hiring of property, except immovable property used in carrying on the business of farming, by which it is agreed that the Exception to subs. 4

property may, on the satisfaction of a condition, vest in the lessee or other person to whom the property is leased or hired, hereinafter in this subsection referred to as the "lessee", or in any person with whom the lessee does not deal at arm's length, was entered into before the 1963 fiscal year of the lessee,

(*a*) if the contract or arrangement was determined before the 1963 fiscal year of the lessee with the property having vested before that date in the lessee or in any other person with whom the lessee did not deal at arm's length and, but for section 5 and subsection 4 of this section, section 28 of *The Corporations Tax Act* would apply in computing the capital cost to the lessee of the property for the purpose of determining the amount that is deductible by the lessee pursuant to clause *a* of subsection 2 of section 22 in computing its income for its 1963 fiscal year, for the purpose of a deduction under clause *a* of subsection 2 of section 22 and for the purpose of section 31 the provisions of section 28 of *The Corporations Tax Act* shall apply; and

R.S.O. 1960, c. 73

(*b*) if the contract or arrangement was not determined or rescinded before the 1963 fiscal year of the lessee and, but for section 5 and subsection 4 of this section, section 28 of *The Corporations Tax Act* would apply in computing the capital cost to the lessee of the property for the purpose of determining the amount that is deductible by the lessee pursuant to clause *a* of subsection 2 of section 22 in computing its income for its 1963 fiscal year, the amount, if any, by which,

(i) the aggregate of all amounts paid by the lessee before the 1963 fiscal year under the contract or arrangement on account of rent or other consideration that have not been deducted in computing the income of the lessee for a fiscal year,

exceeds,

(ii) the aggregate of all amounts in respect of the property deducted by it under clause *a* of subsection 2 of section 22 in computing its income for fiscal years before its 1963 fiscal year,

may be deducted in computing its income for the 1963 fiscal year.

(6) Sections 6 and 8 apply in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years. Idem, ss. 6, 8

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. This Act may be cited as *The Corporations Tax Amendment Act, 1964.* Short title

An Act to amend
The Corporations Tax Act

1st Reading

March 12th, 1964

2nd Reading

3rd Reading

MR. ALLAN

1964

BILL 92

2ND SESSION, 27TH LEGISLATURE, ONTARIO
12-13 ELIZABETH II, 1964

An Act to amend The Corporations Tax Act

MR. ALLAN

TORONTO
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An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960, c. 73, amended

1*a*.—(1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout the sixty-day period immediately preceding that fiscal year or, if the corporation did not have a preceding fiscal year, throughout the sixty-day period commencing on the first day of the fiscal year, Where corporation has degree of Canadian ownership

(*a*) the corporation complied with the following conditions:

(i) the corporation was resident in Canada,

(ii) either,

(A) not less than 25 per cent of the issued shares of the corporation having full voting rights under all circumstances were owned by one or more individuals resident in Canada, one or more corporations controlled in Canada or a combination thereof,

or

(B) the shares of the corporation having full voting rights under all circumstances were listed on a prescribed stock exchange in Canada, and it is established in

prescribed manner that no one non-resident shareholder of the corporation owned more than 75 per cent of the shares of the corporation, having full voting rights under all circumstances, alone or in combination with any other person related to him at any time within the period within the meaning of subsection 3 or 4 of section 1, and

(iii) where the fiscal year commences after the 31st day of December, 1964, the number of directors who were resident in Canada was not less than 25 per cent of the total number of directors of the corporation; or

(*b*) the corporation complied with the conditions specified in subclauses i and iii of clause *a* and was a subsidiary wholly-owned corporation subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in clause *a*.

Idem

(2) For the purposes of this section,

(*a*) a corporation is controlled in Canada at a particular time if at that time the corporation is resident in Canada and more than 50 per cent of its issued shares having full voting rights under all circumstances are owned by one or more individuals resident in Canada, one or more corporations controlled in Canada or a combination thereof;

(*b*) a non-resident person who has a right under a contract in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation shall be deemed to own those shares, and any other person who actually owns the shares in respect of which the non-resident person has such a right shall be deemed not to own those shares;

(*c*) where shares are owned by a trustee resident in Canada, the shares shall be deemed not to be owned by a person resident in Canada

unless it is established that each beneficiary under the trust is an individual resident in Canada; and

(*d*) where, during any relevant sixty-day period referred to in subsection 1, a director of a corporation who is resident in Canada dies and within sixty days thereafter another person who is resident in Canada is appointed or elected to be a director of the corporation, such other person shall be deemed to have become such a director immediately upon the death of the deceased director.

(3) In the case of any fiscal year of a corporation commencing before the 1st day of May, 1964, that portion of subsection 1 that precedes clause *a* thereof shall, if the corporation elects in prescribed manner on or before the 1st day of May, 1964, be read as follows: Idem

(1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout any sixty-day period commencing after the 13th day of June, 1963, and ending before the 1st day of May, 1964,

. . . . .

2.—(1) Clause *a* of section 17 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 17, cl. *a*, re-enacted

(*a*) amounts received in the fiscal year as, on account or in lieu of payment of, or in satisfaction of, dividends; dividends

(*aa*) amounts received in the fiscal year as annuity payments. annuity payments

(2) Section 17 of *The Corporations Tax Act*, as amended by section 5 of *The Corporations Tax Amendment Act, 1961-62* and section 2 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by striking out "and" at the end of clause *i* in the amendment of 1962-63, by adding "and" at the end of clause *j* in the amendment of 1962-63 and by adding thereto the following clause: R.S.O. 1960, c. 73, s. 17, amended

(*k*) an amount that is included in computing the income of the corporation under Part I of the *Income Tax Act* (Canada) pursuant to section 138A of that Act. Dividend stripping R.S.C. 1952, c. 148

R.S.O. 1960, c. 73, s. 18, amended

3. Section 18 of *The Corporations Tax Act*, as amended by section 6 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Idem

(5) Subsection 1 does not apply to any amount received by a corporation in a fiscal year,

(*a*) as an annuity payment;

(*b*) as a refund of premiums or contributions paid by the holder of a life annuity contract, as defined by the regulations, upon the death of such holder; or

(*c*) in satisfaction of the rights of the corporation under a life annuity contract, as defined by the regulations, that was entered into before the 14th day of June, 1963.

R.S.O. 1960, c. 73, s. 23, subs. 1, amended

4. Subsection 1 of section 23 of *The Corporations Tax Act*, as amended by section 8 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following clause:

management fee

(*i*) the amount of a management or administration fee or charge paid or credited, or deemed to be paid or credited, to a non-resident person to the extent that such amount is subjected to taxation under paragraph *a* of subsection 1 of section 106 of the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

R.S.O. 1960, c. 73, s. 28, repealed

5. Section 28 of *The Corporations Tax Act* is repealed.

R.S.O. 1960, c. 73, s. 31, subss. 9, 10 (1960-61, c. 14, s. 3), repealed

6. Subsections 9 and 10 of section 31 of *The Corporations Tax Act*, as enacted by section 3 of *The Corporations Tax Amendment Act, 1960-61*, are repealed.

R.S.O. 1960, c. 73, s. 39, subs. 2, cl. *a* re-enacted

7.—(1) Clause *a* of subsection 2 of section 39 of *The Corporations Tax Act* is repealed and the following substituted therefor:

(*a*) between the end of that preceding fiscal year and the end of the taxation year,

(i) more than 50 per cent of the shares in the capital stock of the corporation have been acquired, before the 14th day of June, 1963, by a person or persons who did not, at the end of that preceding fiscal year, own any of the shares in the capital stock of the corporation, or

(ii) control of the corporation has been acquired after the 13th day of June, 1963, by a person or persons who did not, at the end of that preceding fiscal year, control the corporation; and

. . . . .

(2) The said section 39 is amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 39, amended

(2*a*) Paragraph 3 of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, a business loss sustained by it in a preceding fiscal year from the carrying on of a business if, during that preceding fiscal year, Idem

(*a*) the business of the corporation in which the loss was sustained was wound up or discontinued; and

(*b*) control of the corporation was acquired,

(i) after the winding-up or discontinuation of the business, and

(ii) after the 13th day of June, 1963,

by a person or persons who did not control the corporation at any time during the preceding fiscal year when the business was being carried on.

8. *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960, c. 73, amended

42*a*.—(1) Where a corporation has become a bankrupt, the following rules are applicable: Where corporation bankrupt

1. The trustee in bankruptcy shall be deemed to be the agent of the bankrupt for all purposes of this Act.

2. The estate of the bankrupt shall be deemed not to be a trust or an estate for the purposes of this Act.

3. The income and the taxable income of the corporation for any fiscal year of the corpora-

tion during which it was a bankrupt and for any subsequent fiscal year shall be calculated as if,

(*a*) the property of the bankrupt did not pass to and vest in the trustee in bankruptcy on the receiving order being made or the assignment filed but remained vested in the bankrupt; and

(*b*) any dealing in the estate of the bankrupt or any act performed in the carrying on of the business of the bankrupt estate by the trustee was done as agent on behalf of the bankrupt and any income of the trustee from such dealing or carrying on is income of the bankrupt and not of the trustee.

4. A fiscal year of the corporation shall be deemed to have commenced on the day the corporation became a bankrupt and a fiscal year of the corporation that would otherwise have ended after the corporation became a bankrupt shall be deemed to have ended on the day immediately before the day on which the corporation became a bankrupt.

5. Where, in the case of any fiscal year of the poration ending during the period the corporation is a bankrupt, the corporation fails to pay the tax payable by the corporation under this Act for any such fiscal year, the corporation and the trustee in bankruptcy are jointly and severally liable to pay the tax, except that,

(*a*) the trustee is only liable to the extent of the property of the bankrupt in his possession; and

(*b*) payment by either of them shall discharge the joint obligation.

6. Where an absolute order of discharge is granted in respect of the corporation, for the purpose of paragraph 3 of subsection 1 of section 39, business losses sustained by the corporation in any fiscal year preceding the year in which the order of discharge was

granted are not deductible by the corporation in computing its taxable income for the fiscal year of the corporation in which the order was granted or any subsequent fiscal year.

(2) In this section, "bankrupt" and "estate of the bankrupt" have the meaning given to those expressions by the *Bankruptcy Act* (Canada). Interpretation R.S.C. 1952, c. 14

9. Subsection 3 of section 47 of *The Corporations Tax Act*, as re-enacted by subsection 3 of section 6 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 47, subs. 3 (1962-63, c. 26, s. 6, subs. 3), re-enacted

(3) No deduction may be made under this section or section 47*a* in respect of an expenditure made to acquire rights in, or arising out of, scientific research. Deductions

(3*a*) Where in respect of an expenditure on scientific research made by a corporation in a fiscal year an amount is deductible under this section and under section 39, no deduction may be made in respect of the expenditure under section 39 in computing the income of the taxpayer for any fiscal year. Idem

10.—(1) Subsection 3 of section 47*a* of *The Corporations Tax Act*, as enacted by section 7 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 47*a* (1962-63, c. 26, s. 7), subs. 3, re-enacted

(3) For the purposes of subsections 1 and 2, the base scientific expenditure of a corporation is an amount equal to, Base scientific expenditure defined

(*a*) the aggregate of all expenditures of a current or capital nature, by acquiring property other than land, made in Canada by the corporation in the last fiscal year of the corporation that ended before the 11th day of April, 1962, on scientific research related to the business of the corporation,

minus

(*b*) any amount paid to the corporation in the fiscal year referred to in clause *a* as described in subclause ii of clause *b* of subsection 1,

but, where the corporation had no fiscal year that ended before the 11th day of April, 1962, its base scientific expenditure is nil.

R.S.O. 1960, c. 37, s. 47*a* (1962-63, c. 26, s. 7), amended

(2) The said section 47*a* is amended by adding thereto the following subsection:

Idem

(6) For the purpose of clause *a* of subsection 1, an expenditure of a capital nature made by a corporation in the fiscal year on scientific research does not include any expenditure made by the corporation in that fiscal year for the acquisition, from another corporation associated with the corporation in the fiscal year, of facilities for the prosecution of scientific research.

R.S.O. 1960, c. 73, s. 57, subs. 3*b* (1962-63, c. 26, s. 8, subs. 5), amended

11.—(1) Subsection 3*b* of section 57 of *The Corporations Tax Act*, as enacted by subsection 5 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is amended by striking out "or" at the end of clause *d*, by adding "or" at the end of clause *e* and by adding thereto the following clause:

(*ea*) operating a pipe line for the transmission of oil or natural gas.

R.S.O. 1960, c. 73, s. 57, amended

(2) The said section 57, as amended by section 6 of *The Corporations Tax Amendment Act, 1960-61*, section 19 of *The Corporations Tax Amendment Act, 1961-62* and section 8 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Application to pipe line corporations

(3*ba*) In its application to any corporation described in clause *ea* of subsection 3*b*, clause *f* of subsection 3*b* shall be read and construed as though there were substituted for the expression "10th day of April, 1962", where it appears therein, the expression "13th day of June, 1963".

R.S.O. 1960, c. 73, s. 57, subs. 4*a* (1962-63, c. 26, s. 8, subs. 6), re-enacted

(3) Subsection 4*a* of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Limitation re payments for exploration and drilling rights

(4*a*) In computing a deduction under subsection 1 or 3, no amount shall be included in respect of a payment for or in respect of a right, licence or privilege to explore for, drill for or take petroleum or natural gas, acquired before the 11th day of April, 1962, other than an annual payment not exceeding $1 per acre.

R.S.O. 1960, c. 73, s. 72, amended

12. Section 72 of *The Corporations Tax Act* is amended by adding thereto the following subsection:

Statements or omissions in return

(4) Where a person, acting or purporting to act on behalf of a corporation, knowingly or under circumstances amounting to gross negligence in the carrying out of

any duty or obligation imposed by or under this Act has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or the regulations, as a result of which the tax that would have been payable by the corporation for a fiscal year, if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer, is less than the tax payable by the corporation for the fiscal year, the corporation is liable to a penalty of 25 per cent of the amount by which the tax that would so have been payable is less than the tax payable by the corporation for the fiscal year.

13. Subsection 2 of section 74 of *The Corporations Tax Act* is amended by striking out "or other subject" in the third line and inserting in lieu thereof "and other subject of tax", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 73, s. 74, subs. 2, amended

(2) Every corporation on which a tax is imposed by this Act shall pay the tax, as estimated by the corporation on its taxable income and other subject of tax for the last preceding fiscal year or for the fiscal year in respect of which the tax is payable, at the rates applicable for the last-mentioned fiscal year, in four equal instalments. Dates of payment

. . . . .

14.—(1) Section 9 and subsection 3 of section 11 apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years. Application of s. 9, s. 11, subs. 3

(2) Section 10 applies in respect of fiscal years of corporations ending in 1962 to 1966, each inclusive. Idem, s. 10

(3) Sections 1, 2, 3, 4, 5 and 7, subsections 1 and 2 of section 11 and sections 12 and 13 apply in respect of fiscal years of corporations ending in 1963 and subsequent fiscal years. Idem, ss. 1-5, 7, s. 11, subss. 1, 2, ss. 12, 13

(4) Except as provided by subsection 5, section 5 applies in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years. Idem, s. 5

(5) Where a lease option agreement, a hire-purchase agreement or other contract or arrangement for the leasing of or hiring of property, except immovable property used in carrying on the business of farming, by which it is agreed that the Exception to subs. 4

property may, on the satisfaction of a condition, vest in the lessee or other person to whom the property is leased or hired, hereinafter in this subsection referred to as the "lessee", or in any person with whom the lessee does not deal at arm's length, was entered into before the 1963 fiscal year of the lessee,

(*a*) if the contract or arrangement was determined before the 1963 fiscal year of the lessee with the property having vested before that date in the lessee or in any other person with whom the lessee did not deal at arm's length and, but for section 5 and subsection 4 of this section, section 28 of *The Corporations Tax Act* would apply in computing the capital cost to the lessee of the property for the purpose of determining the amount that is deductible by the lessee pursuant to clause *a* of subsection 2 of section 22 in computing its income for its 1963 fiscal year, for the purpose of a deduction under clause *a* of subsection 2 of section 22 and for the purpose of section 31 the provisions of section 28 of *The Corporations Tax Act* shall apply; and

R.S.O. 1960, c. 73

(*b*) if the contract or arrangement was not determined or rescinded before the 1963 fiscal year of the lessee and, but for section 5 and subsection 4 of this section, section 28 of *The Corporations Tax Act* would apply in computing the capital cost to the lessee of the property for the purpose of determining the amount that is deductible by the lessee pursuant to clause *a* of subsection 2 of section 22 in computing its income for its 1963 fiscal year, the amount, if any, by which,

(i) the aggregate of all amounts paid by the lessee before the 1963 fiscal year under the contract or arrangement on account of rent or other consideration that have not been deducted in computing the income of the lessee for a fiscal year,

exceeds,

(ii) the aggregate of all amounts in respect of the property deducted by it under clause *a* of subsection 2 of section 22 in computing its income for fiscal years before its 1963 fiscal year,

may be deducted in computing its income for the 1963 fiscal year.

(6) Sections 6 and 8 apply in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years. Idem, ss. 6, 8

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. This Act may be cited as *The Corporations Tax Amendment Act, 1964.* Short title

BILL 72

An Act to amend
The Corporations Tax Act

1st Reading

March 12th, 1964

2nd Reading

March 20th, 1964

3rd Reading

March 25th, 1964

MR. ALLAN